

In each period the number of marks assigned to the question or questions dealing with the text of the prescribed books will be about one-sixth of that assigned to the whole period. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

**General Modern History.**—Candidates may, at their choice, be examined in any *one* of the following periods. Periods III, IV, and V will include Indian History. Candidates are warned that high marks will not be awarded in this subject unless the text of the prescribed books has been carefully studied by them. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

- I. From the accession of Charlemagne to the Third Crusade. [A.D. 800 to A.D. 1193.]
- II. From the Third Crusade to the Diet of Worms. [A.D. 1193 to A.D. 1521].
- III. From the Diet of Worms to the Death of Louis XIV. [A.D. 1521 to A.D. 1715.]
- IV. From the accession of Louis XV to the French Revolution of 1848. [A.D. 1715 to A.D. 1848.]
- V. From the Peace of Paris to the Treaty of Berlin. [A.D. 1763 to A.D. 1878].

Candidates should be acquainted with the following authorities :—

**PERIOD I. 800—1193.**

*Einhard*, Vita Caroli Magni, from 800 A.D. Editions :—(1) Pertz, (2) Scriptores Rerum Germanicarum.

*Lambert of Hersfeld*, Annales. Editions :—(1) Pertz, (2) Scriptores Rerum Germanicarum.

*Suger*, Vita Ludovici VI. Editions :—(1) Migne, (2) Société de l'Histoire de France, 1868.

*Otto of Freising*, De gestis Friderici I. Editions :—(1) Pertz, (2) Scriptores Rerum Germanicarum. The continuators are included.

**PERIOD II. 1193—1521.**

*Joinville*, St. Louis. Editions :—(1) Petitot, (2) Michaud et Poujoulat, (3) Buchon, (4) Société de l'Histoire de France, 1868.

*Philippe de Comines*. Mémoires. Editions :—(1) Petitot, (2) Michaud et Poujoulat, (3) Buchon, (4) de Mandrot [Picard, Paris, 1901—3.]

*Machiavelli*, The Prince. English translation by Thomson, published by the Clarendon Press.

**PERIOD III. 1521—1715.**

*Sully*, Mémoires, up to the Treaty of Vervins. Editions :—(1) Petitot, (2) Michaud et Poujoulat.

*Torcy*, Mémoires. Editions :—(1) Petitot, (2) Michaud et Poujoulat.

**PERIOD IV. 1715—1848.**

*Frederick II*, Histoire de mon Temps, and la Guerre de Sept Ans. Editions :—(1) Boutaric, (2) Œuvres de Frédéric II, published by Decker, Berlin, 1846.

*Malmesbury* (First Earl of), Diaries and Correspondence ; London, Bentley, 1844 ; Vol. II, Mission to the Hague, pages 66—443 ; Vol. III, Mission to Lisle, pages 369—599.

*Metternich*. Aus Metternich's Nachgelassenen ; Papieren Autorisirte Original-Ausgabe ; Vienna, 1880. Or in English translation :—Memoirs of Prince Metternich ; Richard Bentley and Son, London, 1880—1882. To be studied up to the year 1815.

**PERIOD V. 1763—1878.**

*Malmesbury*, as for Period IV.

*Metternich*, as for Period IV.

*Bianchi*: *La Politique du Comte Camille de Cavour, 1852—1861* (Turin, 1885).

*Bismarck*. *Gedanken und Erinnerungen von Bismarck* (Edited by H. Kohl, Stuttgart, 1898). Or in English translation:—*Bismarck, the Man and the Statesman; Reflections and Reminiscences, etc.*; translated under supervision of A. J. Butler; Smith and Elder, London, 1898. To be studied up to the year 1878.

**Logic and Psychology.**—The history of the subject will be included.

**Moral and Metaphysical Philosophy.**—The history of the subject will be included.

**Political Economy and Economic History.**—Candidates will be expected to possess a knowledge of economic theory; of the existing economic conditions; of statistical methods; and of the history of industry, land tenure, and economic legislation in the United Kingdom.

**Political Science**—The Examination will not be confined to Analytical Jurisprudence, Early Institutions, and Theory of Legislation, but may embrace Comparative Politics, the History of Political Theories, etc. Candidates will be expected to show a knowledge of original authorities.

**English Law.**—Law of Contract; Law of Evidence; Law of the Constitution; Criminal Law; Law of Torts.

*The following applies only to candidates for Clerkships on the Establishment of the Foreign Office, for Attachéships in the Diplomatic Service, and for Student Interpreterships in China, Japan and Siam:*

**Spanish Translation Composition and Conversation.**—In the conversation test importance is attached to pronunciation. The study of phonetics is an important aid to correctness of pronunciation.

**Spanish, History of the Language and Literature.**—Passages for translation may be set, and questions asked, demanding a knowledge of the language in its early stages, but it will not be obligatory upon candidates to master in detail the old forms in use before 1500. Candidates will not be required to write their answers in Spanish.

CIVIL SERVICE COMMISSION,

August, 1914.

[Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.]

## CIVIL SERVICE OF INDIA.

### OPEN COMPETITION OF 1915.

The Form of Application sent herewith does *not* apply to either the Home or the Colonial Service.

Intending Candidates for either or both of those services should write about Easter next to the Secretary, Civil Service Commission, London, W., for the prescribed forms of application.

CIVIL SERVICE COMMISSION,

July, 1914.

[Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.]

## CIVIL SERVICE OF INDIA.

### OPEN COMPETITION OF 1915.

#### FORM TO BE FILLED UP BY CANDIDATES FOR EXAMINATION.

\* \* *The order for admission to the examination will not be issued unless this Form, filled up by the Candidate himself, is received by the Secretary of the Civil Service Commission on or before the 1st June, 1915.*

SIR,

I beg to inform you that I wish to be admitted to the Open Competitive Examination for the Civil Service of India, which is appointed to commence in London on the 2nd of August, 1915.

Candidates not born within the British Dominions should state this fact in a separate letter.

I am a natural-born subject of His Majesty.

I hereby declare that I was born on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, and that therefore I shall have attained the age of 22 years and shall not have attained the age of 24 years on the 1st of August, 1915; I also declare that I have no disease, constitutional affection or bodily infirmity unfitting me or likely to unfit me, for the Civil Service of India; and that I am of good moral character, and otherwise eligible under the Regulations; and I undertake that, if I am successful, I will conform, during my period of probation, to such rules respecting the conduct of Public Servants as have been laid down, or may hereafter be laid down, by the Secretary of State for India in Council.

Candidates who are not Natives of India should strike out this paragraph.

\* If you have never been examined, insert here the word "never".

† If you have been examined, give the date, etc., of the last occasion.

I send herewith a Certificate of age and nationality issued in accordance with the rule respecting Natives of India printed in paragraph III on the next page.

I beg to inform you that I was\* \_\_\_\_\_ examined before the Civil Service Commissioners in the month of† \_\_\_\_\_ in the year 1\_\_\_\_\_, as a Candidate for the situation of \_\_\_\_\_

I am, SIR,

Your obedient Servant,

Name in full \_\_\_\_\_

‡ If a London address, state the postal district; if a country address, state the post town.

Address to which it is desired that the Order for Examination should be sent‡ \_\_\_\_\_

Date \_\_\_\_\_

The Secretary,

Civil Service Commission.

*Certificates of age (except as mentioned above), health, and character should not be supplied until after the result of the Examination is known.*

N.B.—Attention is drawn to the Selection Form on pages 1735 and 1736, which must be filled up by every Candidate.

This application Form relates only to the Competition for the Civil Service of India, and does not entitle a Candidate to compete also for the Home or Colonial Service. Intending Candidates for either or both of these services must obtain the proper form or forms of application and forward them so as to reach the Secretary, Civil Service Commission, on or before June 1st. See next page.



If an Open Competitive Examination for Clerkships (Class I) in the Home Civil Service should be appointed to be held in August, 1915, I request that a prescribed Form of application\* may be forwarded to me when ready for issue.

Signature \_\_\_\_\_

If an Open Competitive Examination for Eastern Cadetships should be appointed to be held in August, 1915, I request that a prescribed Form of Application\* may be forwarded to me when ready for issue.

Signature \_\_\_\_\_

\* These Forms will be ready about Easter, 1915.

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#### EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

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I. Every Candidate born in the United Kingdom should be prepared to produce, when required, a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This Certificate may be obtained from the Registrar-General in London, Dublin, or Edinburgh, or from the Superintendent Registrar of the District in which the birth took place.

II. A Candidate born of European parents in India should be prepared to produce, when required, a Certificate of Baptism from the district in which he was baptised. If this does not also mention the date of birth it should be accompanied by a statutory declaration by one of the Candidate's parents, stating the date and place of birth. When such certificate is not in the possession of the Candidate an Extract from the Registers kept at the India Office will probably be obtainable.

III. A Candidate who is a Native of India must, on or before the 1st June, 1915, produce a certificate of age and nationality issued under Notification of the Government of India, no. 2252, dated 21st August, 1888, as amended by Notification no. 404, dated 19th May, 1898, and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides: or, should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides. *No other Certificates will be accepted for this Competition.*

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*To be filled up by the Candidate himself, and returned with the Form of Application.*

### CIVIL SERVICE OF INDIA. OPEN COMPETITION OF 1915.

#### SELECTION FORM.

\* \* Place your Initials against the Subjects which you select ; if your selections exceed 6,000 marks indicate the Subject which is to be reduced ; and sign your name in the place indicated on the next page.

N.B.—No alteration in your selection of subjects can be allowed after the last day for the receipt of forms of application, viz., 1st June 1915.

INITIALS.		MAXIMUM MARKS.
.....	1. English Composition .....	500
.....	2. Sanskrit, Language and Literature .....	800
.....	3. Arabic, Language and Literature .....	800
	Greek, not less than two sub-divisions, of which one must be Translation :—	
.....	4. Translation .....	400
.....	5. Prose Composition .....	200
.....	6. Verse Composition .....	200
.....	7. Literature, etc. ....	300
	Latin, not less than two sub-divisions, of which one must be Translation :—	
.....	8. Translation .....	400
.....	9. Prose Composition .....	200
.....	10. Verse Composition .....	200
.....	11. Literature, etc. ....	300
.....	12. English, Language and Literature .....	600
.....	13. Italian, Translation, Composition and Conversation .....	400
.....	*14. Italian, History of the Language and Literature .....	200
.....	15. French, Translation, Composition and Conversation .....	400
.....	*16. French, History of the Language and Literature .....	200
.....	17. German, Translation, Composition and Conversation .....	400
.....	*18. German, History of the Language and Literature .....	200
.....	19. Lower Mathematics .....	1,200
.....	20. Higher Mathematics .....	1,200

\* The History of these Languages and their Literatures can only be taken by Candidates who also offer themselves for the rest of the examination in those languages.

INITIALS.					MAXIMUM. MARKS.
		Natural Science, <i>i.e.</i> , any number not exceeding <i>four</i> of the following or <i>three</i> if both Lower and Higher Mathematics be also taken :—			
.....	21.	*Chemistry	...	...	600
.....	22.	Physics	...	...	600
.....	23.	Geology	...	...	600
.....	24.	*Botany	...	...	600
.....	25.	Zoology	...	...	600
.....	26.	Animal Physiology	...	...	600
.....	27.	Geography	...	...	600
.....	28.	Greek History (Ancient, including Constitution)	...	...	500
.....	29.	Roman History (Ancient, including Constitution)	...	...	500
		English History, either or both sections may be taken :—			
.....	30.	Section I, to A.D. 1485	...	...	400
.....	31.	Section II, A.D. 1485 to 1848	...	...	400
.....	32.	General Modern History	...	...	500
.....	33.	Logic and Psychology	...	...	600
.....	34.	Moral and Metaphysical Philosophy	...	...	600
.....	35.	Political Economy and Economic History	...	...	600
.....	36.	Political Science	...	...	500
.....	37.	Roman Law	...	...	500
.....	38.	English Law	...	...	500

Signature \_\_\_\_\_

Date \_\_\_\_\_

To the Secretary,  
Civil Service Commission,  
London, W.

N.B.—Attention is drawn to the Application Form on page, 1733, which must be filled up by every Candidate.

\* For the Practical Examination in Chemistry, Candidates may bring any standard books on Analysis; and, for the Practical Examination in Botany, any standard Flora. All books brought must be submitted to the Presiding Examiner for his approval; no written notes of any kind will be allowed.

## POLITICAL.

*The 27th October, 1914.*

**No. 2164.**—The undermentioned officers are placed on special duty under the Government of India in the Home Department, with effect from the dates on which they assume charge of those duties:—

The Hon'ble Sir W. H. Vincent, Kt., I.C.S.

The Hon'ble Mr. P. J. Fagan, I.C.S.

Mr. H. Walmsley, I.C.S.

## PUBLIC.

*The 31st October, 1914.*

**No. 2038.**—In exercise of the power conferred by Section 9 of the Indian Councils Act, 1861 (24 and 25 Vict., Cap. 67), the Governor General in Council is pleased to direct that the Council of the Governor General shall assemble at Delhi.

H. WHEELER,

*Secretary to the Government of India.*

## FOREIGN AND POLITICAL DEPARTMENT.

## NOTIFICATIONS.

*Simla, 24th October, 1914.*

**No 2695-Est.-B.**—Captain R. H. Anderson, 45th Rattray's Sikhs, Officiating Inspecting Officer, Punjab States Imperial Service Infantry, is appointed to officiate as Deputy Assistant Adjutant General for Musketry, Imperial Service Troops, in addition to his own duties, with effect from the 16th October, 1914, and during the absence on field service of Captain I. H. Gordon, 56th Punjabi Rifles (Frontier Force), or until further orders.

*The 26th October, 1914.*

**No. 2470-G.**—Subject to the confirmation of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Dr. Edward F. Underwood as Vice-Consul for Brazil at Bombay.

**No. 2715-Est.-A.**—Major J. McPherson, Indian Medical Service, an officiating Agency Surgeon of the 2nd class, is posted as Residency Surgeon, Bushire, with effect from the 20th October, 1914.

*The 28th October, 1914.*

**No. 2492-G.**—With the sanction of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. William Ross Smith as Consul for Peru at Calcutta.

**No. 2495-G.**—The Governor-General in Council is pleased to recognise the appointment of Monsieur Adolphe Ries as Acting Consular Agent for France at Aden, during the absence of Monsieur M. Ries.

J. B. WOOD,

*Secretary to the Government of India.*



*The 29th October, 1914.*

No. 2504-G.—With reference to the notification by the Government of India in the Foreign Department, No. 291-E., dated the 3rd February, 1887, the following Order of His Majesty in Council is published for general information :—

At the Court at *Buckingham Palace*, the 1st day of *September*, 1914.

PRESENT:

The KING'S Most Excellent Majesty.

Lord President.

Lord Wimborne.

Lord Colebrooke.

Sir William Carington.

WHEREAS by the Extradition Acts, 1870 to 1906, it was amongst other things enacted that, where an arrangement has been made with any Foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such Foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient :

And whereas a Treaty was concluded on the 4th day of July, 1885, between Her late Majesty Queen Victoria and the President of the Republic of Guatemala for the mutual extradition of fugitive criminals, in the case of which Treaty the Extradition Acts of 1870 and 1873 were applied by Order in Council of the 26th November, 1886 :

And whereas a Protocol was concluded on the 30th day of May, 1914, between the British and Guatemalan Governments amending the provisions of Article 10 of the said Treaty, which Protocol is in the terms following :—

Additional Protocol to the Treaty of Extradition between Great Britain and Guatemala.

The Government of His Britannic Majesty and the Government of the Republic of Guatemala, being desirous of rendering more efficacious the provisions of article 10 of the Treaty of Extradition between Great Britain and Guatemala of the 4th July, 1885, the undersigned, duly authorized to that effect by their respective Governments, have agreed as follows :—

#### ARTICLE I.

The text of article 10 of the Extradition Treaty of the 4th July, 1885, is amended by the substitution of the words " sixty days " for the words " thirty days " in the last sentence of paragraph 1.

In witness whereof the undersigned have signed the present Protocol and have affixed thereto their seals.

Done in duplicate at Guatemala City the 30th day of May, 1914.

Protocolo adicional al Tratado de Extradición entre Guatemala y la Gran Bretaña.

SIENDO el deseo del Gobierno de Su Majestad Británica y del Gobierno de la República de Guatemala, hacer más eficaces las prescripciones del artículo 10 del Tratado de Extradición entre Guatemala y la Gran Bretaña, de 4 de julio de 1885, los infrascritos, debidamente autorizados para tal fin por sus respectivos Gobiernos, han convenido en lo siguiente.

#### ARTICULO I.

El texto del artículo 10 del Tratado de Extradición de 4 de julio de 1885, se enmienda con la sustitución de las palabras " sesenta días " en lugar de las palabras " treinta días " en la última frase del párrafo 1.

En fe de lo cual los infrascritos han firmado el presente Protocolo y han puesto en el sus sellos.

Hecho por duplicado en la ciudad de Guatemala el 30 de mayo de 1914.

(L.S.) CHARLES ALBAN YOUNG,

*His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary.*

(L.S.) LUIS TOLEDO HERRARTE.

*Ministro de Relaciones Exteriores.*

Now, therefore, His Majesty, by and with the advice of His Privy Council, and in virtue of the authority committed to him by the said recited Acts, doth order, and it is hereby ordered, that from and after the 14th day of September, 1914, the said Acts shall

apply in the case of Guatemala under and in accordance with the said Treaty as amended by the said Protocol above set forth :

Provided always that the operation of the said Acts shall be and remain suspended within the Dominion of Canada so long as an Act of the Parliament of Canada, being Part I of Chapter 155 of "The Revised Statutes of Canada, 1906," and entitled "An Act respecting the Extradition of Fugitive Criminals," shall continue in force there, and no longer.

*Almeric Fitzroy.*

A. H. GRANT,

*Secretary to the Government of India.*

*The 29th October, 1914.*

**No. 2505-G.**—Subject to the confirmation of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Senor Don Manuel de Caabeyro as Consul for Spain at Bombay.

**No. 2512-G.**—The Governor-General in Council is pleased to recognise provisionally the appointment of Monsieur Adolphe Ries as acting Vice-Consul for Spain at Aden, during the absence of Monsieur M. Ries.

**No. 2752-Est.-A.**—Lieutenant-Colonel S. F. Bayley, of the Political Department, on recall from leave, is placed on special duty under the orders of the Agent to the Governor-General in Central India, with effect from the 17th October, 1914.

**No. 2757-Est.-A.**—Captain R. E. H. Griffith, of the Political Department, is posted as Assistant Commissioner, Bannu, with effect from the 29th September, 1914.

J. B. WOOD,

*Secretary to the Government of India.*

## FINANCE DEPARTMENT.

## NOTIFICATIONS.

## ACCOUNTS AND FINANCE.

## ESTIMATES AND ACCOUNTS.

Simla, the 25th October, 1914.

No. 1642-F.—Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.

September 1914.

Lakhs of Rupees

	SEPTEMBER.		TO END OF SEPTEMBER.		WHOLE YEAR.	
	1914-1915.	1913-1914.	1914-1915.	1913-1914.	Budget, 1914-1915.	Actuals, Preliminary, 1913-1914.
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation) ... ..	90	1,10	11,35	12,07	34,94	34,85
Opium ... ..	16	19	1,18	1,30	2,76	2,38
Salt ... ..	29	34	2,39	2,36	5,16	5,10
Stamps ... ..	55	68	3,91	4,05	8,06	7,79
Excise ... ..	1,01	1,06	6,59	6,47	13,74	13,32
Provincial Rates ... ..	...	4	9	20	5	28
Customs ... ..	47	96	4,84	5,28	10,85	11,33
Assessed Taxes ... ..	26	26	1,37	1,35	2,67	2,76
Forest ... ..	19	20	1,16	1,12	3,44	3,15
Registration ... ..	6	6	43	42	78	78
Tributes from Native States ... ..	1	1	21	22	91	91
Other Civil Revenue ... ..	30	26	1,85	1,85	5,28	4,46
<b>TOTAL CIVIL HEADS</b> ... ..	4,10	5,16	35,38	36,78	88,64	87,23
Major Irrigation Revenue ... ..	7	5	2,05	2,12	3,97	4,09
Other Public Works Ordinary Revenue ... ..	2	3	29	25	67	71
<b>TOTAL CIVIL REVENUE (including Ordinary Public Works)</b> ... ..	4,29	5,24	37,72	39,15	93,28	92,03
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Railways and Irrigation Works ... ..	-13	-8	-2,79	-2,58	-4,99	-4,97
Opium ... ..	-7	-6	-84	-70	-99	-1,51
Famine Relief (Civil) ... ..	-3	-1	-25	-3	-16	-9
Other Civil Expenditure ... ..	-3,64	-3,33	-21,45	-20,76	-49,88	-45,34
<b>TOTAL CIVIL HEADS</b> ... ..	-3,87	-3,48	-25,33	-24,07	-56,02	-51,91
Major Irrigation Working Expenses ... ..	-12	-14	-81	-80	-1,87	-1,81
Buildings and Roads Expenditure ... ..	-55	-55	-3,03	-2,69	-8,77	-7,85
Famine Relief (Public Works) ... ..	-1	...	-44	...	-98	-90
Other P. W. Ordinary Expenditure ... ..	-14	-16	-71	-88	-1,47	-1,29
Irrigation Capital Expenditure ... ..	-10	-10	-73	-82	-1,73	-1,87
Delhi Capital Expenditure ... ..	-3	-2	-19	-19	-85	-60
<b>TOTAL CIVIL EXPENDITURE (including Public Works)</b> ... ..	-4,82	-4,45	-31,24	-29,45	-71,69	-66,23
<b>Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.</b>						
The figures comprise Revenue, Expenditure, and Debt and Remittance transactions.						
Post Office (Net) ... ..	-2,76	+ 22	-4,81	+ 95	+ 2,04	+ 2,24
Telegraph (Net) ... ..	-13	-9	-57	-52	-1,29	-1,05
Marine (Net) ... ..	-91	-4	-1,37	-22	-37	-44
Military Works (Net) ... ..	-12	-9	-61	-48	-1,29	-1,25
Military Receipts ... ..	+ 5	+ 10	+ 48	+ 49	+ 1,32	+ 1,20
Military Issues ... ..	-2,27	-1,69	-11,40	-10,14	-21,65	-21,99
<b>Railway Receipts.</b>						
East Indian Railway ... ..	+ 61	+ 69	+ 4,24	+ 4,21	+ 59,15	+ 5,60
Other Railways ... ..	+ 3,01	+ 3,70	+ 23,45	+ 24,43	...	+ 50,53
<b>TOTAL</b> ... ..	+ 3,62	+ 4,39	+ 27,69	+ 28,64	+ 59,15	+ 59,13
<b>Railway Issues.</b>						
East Indian Railway ... ..	-43	-23	-2,73	-2,21	-38,79	-4,73
Other Railways ... ..	-2,53	-2,52	-17,67	-16,26	...	-32,41
<b>TOTAL</b> ... ..	-2,96	-2,75	-20,40	-18,47	-38,79	-37,14
<b>TOTAL NON-CIVIL DEPARTMENTS</b> ... ..	-5,48	+ 5	-10,99	+ 25	-88	+ 1,40
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt and Special Loans (Net + Receipts more, — receipts less than payments) ... ..	...	...	+ 5,00	+ 2,98	+ 4,71	+ 2,85
Mint Certificates and Bullion Advances (Net as above) ... ..	+ 6	-2	+ 16	-5	...	...
Currency Transfers for Gold in England ... ..	...	...	-1,50	...	...	+ 6,75
Remittance through Imperial Government ... ..	...	...	-45	...	...	+ 1,38
Deposits of District Funds ... ..	-18	+ 2	-20	+ 56	+ 13	-84
Loans by Government ... ..	-3	-3	-63	+ 14	-25	+ 20
Exchange on Remittance Account ... ..	...	+ 3	...	+ 4	...	...
Council Bills paid (including Telegraphic) at Rs. 15 per £ ... ..	-13	-4,54	-5,69	-14,84	-30,00	-43,58
Other Debt Heads ... ..	-32	-20	-91	-1,01	+ 1,21	+ 54
Sterling bills on Telegraphic Transfers on London ... ..	-3	...	+ 57	...	...	...
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS</b> ... ..	-63	-4,74	-3,65	-12,18	-24,20	-39,71
<b>GRAND TOTAL RECEIPTS AND ISSUES</b> ... ..	-6,64	-3,90	-8,16	-2,23	-3,49	-5,54
Opening Cash Balance in Treasuries and Presidency Banks ... ..	21,89	30,61	23,41	28,94	22,06	28,94
<b>Closing Cash Balance in Treasuries and Presidency Banks</b> ... ..	15,25	26,71	15,25	26,71	18,57	23,41



## LEAVE AND APPOINTMENTS.

*The 27th October, 1914.*

No. 1386-F. E.—Mr. G. A. Pinto, Chief Superintendent, Office of the Accountant General, Punjab, has been granted privilege leave for 3 months and, in continuation, furlough for one year and nine months, with effect from the 12th October 1914.

Mr. R. K. Mukerjee, a Superintendent in the Office of the Accountant General, Punjab, has been appointed to officiate as Chief Superintendent, Class II, in that office, with effect from the 12th October 1914 and until further orders.

No. 1387-F. E.—Rai Moti Lal Ganguli Bahadur, officiating Chief Superintendent, Class II, has been confirmed in that appointment, with effect from the 1st October 1914 and has been posted as Issue Officer, Paper Currency Office, Calcutta, from the same date.

J. B. BRUNYATE,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 26th October, 1914.*

No. 28.—Public Works Department Notification No. 49, dated the 4th October 1912, withholding from the Chief Commissioner, Delhi, the powers or duties conferred or imposed on the Local Government under the Indian Electricity Act, 1910 (IX of 1910), is hereby cancelled.

*The 29th October, 1914.*

No. 29.—Mr. H. M. Marchant, Superintendent, 3rd Grade, Public Works Department, is granted combined leave for 15 months (privilege leave for two months and twenty-six days and furlough for the remaining period) under the provisions of Articles 233 and 338 of the Civil Service Regulations, with effect from the afternoon of the 31st October 1914.

No. 30.—Mr. A. Hyde, Secretariat Assistant, 1st Grade, is appointed to officiate as Superintendent, 3rd Grade, during the absence of Mr. H. M. Marchant on combined leave, or until further orders.

R. P. RUSSELL,

*Secretary to the Government of India.*

## DEPARTMENT OF REVENUE AND AGRICULTURE.

## NOTIFICATION.

## LAND SURVEYS.

*Simla, the 24th October, 1914.*

No. 1889-67-2.—On reversion from deputation under the Government of Bihar and Orissa, Lieutenant-Colonel R. T. Crichton, C.I.E., I.A., Deputy Superintendent, Survey of India, is appointed to be a Superintendent, Survey of India.

Lieutenant-Colonel C. H. D. Ryder, D.S.O., R.E., Superintendent, *sub. pro tem.*, Survey of India, reverts to his substantive appointment of Deputy Superintendent, with effect from the date of Lieutenant-Colonel Crichton's reversion to the Survey of India.

L. J. KERSHAW,

*Secretary to the Government of India.*

## DEPARTMENT OF COMMERCE AND INDUSTRY.

## NOTIFICATIONS.

## CUSTOMS.

*Simla, the 26th October, 1914.*

**No. 203-W.**—In exercise of the powers conferred by Section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the export of Hides and Skins (raw) to all ports in Europe and on the Mediterranean and Black Sea, other than those of the United Kingdom, Russia (except the Baltic ports), France, Spain and Portugal.

*The 31st October 1914.*

**No. 343-W.**—The following Order in Council republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

*The 25th day of September, 1914.*

By the Lords of His Majesty's Most Honourable Privy Council.

**W**HEREAS it is provided by Section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under Section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade :

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words :—

(1) That the prohibition to export " Pack, saddle, and draught animals, suitable for use in war " established by His Majesty's Proclamation dated the 3rd August, 1914, should extend to the carriage coastwise of all such animals between ports of the United Kingdom.

(2) That the heading " Cotton suitable for use in the manufacture of explosives " should be deleted from His Majesty's Proclamation dated the 3rd August, 1914, and that the heading " Cotton waste " in the same Proclamation should be expanded so as to read " Cotton waste of all descriptions. "

(3) That the heading " Harness and saddlery of all kinds " in His Majesty's Proclamation dated the 5th August, 1914, should be deleted.

(4) That the heading " Coal tar products for use in dye manufacture " in the Order of Council dated the 8th September, 1914, should be expanded so as to read " Coal tar products for use in dye manufacture, except aniline oil and aniline salt. "

(5) That the exportation of—

Bags and sacks of all kinds (not including paper bags) ;

Graphite ;

Shipbuilding materials, namely :—

Boiler tubes ;

Condenser tubes ;

Iron and steel castings and forgings for hulls and machinery of ships ;

Iron and steel plates and sectional material for shipbuilding ;

Marine engines and parts thereof ;

Ships' auxiliary machinery ;

should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic ports), Belgium, France, Spain, and Portugal.

(6) That there should be added to the list of prohibitions of export to all destinations :—

Harness and saddlery which can be used for military purposes ;

Khaki serge ;

Peroxide of manganese.

NOW, THEREFORE, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*Almeric Fitzroy.*

No. 12163.—In exercise of the power conferred by Section 19 of the Sea Customs Act, 1878 (VIII of 1878), as amended by Act XII of 1914, the Governor General in Council is pleased to prohibit the bringing by sea or by land, into British India of any copy of the publication in English entitled "Revolutionary Almanac, 1914," published in New York.

#### SALT.

*The 24th October, 1914.*

No. 11989-75.—The services of Mr. R. A. Gamble, I.C.S., Commissioner, Northern India Salt Revenue, are placed at the disposal of the Government of India in the Finance Department with effect from the 29th October 1914.

*The 31st October, 1914.*

No. 12231-75.—Mr. J. F. Connolly, I.C.S., is appointed Commissioner, Northern India Salt Revenue, with effect from the 29th October, 1914, *vice* Mr. R. A. Gamble, I.C.S., transferred to the Finance Department.

#### CUSTOMS ESTABLISHMENTS.

*The 31st October, 1914.*

No. 12001-15.—Mr. E. Sequeira, of the Commercial Intelligence Department, is appointed an Assistant Collector in the Provincial Customs Service, with effect from the 10th October 1914, and is posted to Burma.

#### GEOLOGY AND MINERALS.

*The 31st October 1914.*

No. 12206-177.—Mr. C. J. E. David, Inspector of Mines, No. 1 Circle, is granted privilege leave for forty days in extension of that granted in the Notification of the Government of India in this Department No. 980-177, dated the 19th September 1914.

#### COMMERCE AND TRADE.

*The 31st October, 1914.*

No. 419-W.—In supersession of the Notification, in this Department, No. 9507-Commerce and Trade, dated the 12th September 1914, the following Royal Proclamation is published for general information.

*By the King.*

#### A PROCLAMATION.

RELATING TO TRADING WITH THE ENEMY.

GEORGE R.I.

WHEREAS a state of War has existed between Us and the German Empire as from 11 P.M. on August 4th, 1914, and a state of War has existed between Us and the Dual Monarchy of Austria-Hungary as from midnight on August, 12th 1914 :



AND WHEREAS it is contrary to law for any person resident, carrying on business or being in Our Dominions, to trade or have any commercial or financial transactions with any person resident or carrying on business in the German Empire or Austria-Hungary without Our permission :

AND WHEREAS by Our Proclamation of the 5th August, 1914, relating to trading with the Enemy, certain classes of transactions with the German Empire were prohibited :

AND WHEREAS by paragraph 2 of Our Proclamation of the 12th August, 1914, the said Proclamation of the 5th August, 1914, was declared to be applicable to Austria-Hungary :

AND WHEREAS it is desirable to restate and extend the prohibitions contained in the former Proclamations, and for that purpose to revoke the Proclamation of the 5th August, 1914, and paragraph 2 of the Proclamation of the 12th August, 1914, and to substitute this Proclamation therefor :

AND WHEREAS it is expedient and necessary to warn all persons resident, carrying on business or being in Our Dominions, of their duties and obligations towards Us, Our Crown, and Government :

NOW, THEREFORE, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows :—

1. The aforesaid Proclamation of the 5th August, 1914, relating to trading with the Enemy, and paragraph 2 of the aforesaid Proclamation of the 12th August, 1914, together with any public announcement officially issued in explanation thereof, are hereby, as from the date hereof, revoked, and from and after the date hereof, this present Proclamation is substituted therefor.

2. The expression " enemy country " in this Proclamation means the territories of the German Empire and of the Dual Monarchy of Austria-Hungary, together with all the colonies and dependencies thereof.

3. The expression " enemy " in this Proclamation means any person or body of persons of whatever nationality resident or carrying on business in the enemy country, but does not include persons of enemy nationality who are neither resident nor carrying on business in the enemy country. In the case of incorporated bodies, enemy character attaches only to those incorporated in an enemy country.

4. The expression " outbreak of war " in this Proclamation means 11 P.M. on the 4th August, 1914, in relation to the German Empire, its colonies and dependencies, and midnight on the 12th August, 1914, in relation to Austria-Hungary, its colonies and dependencies.

5. From and after the date of this Proclamation the following prohibitions shall have effect, (save so far as licences may be issued as hereinafter provided), and We do hereby accordingly warn all persons resident, carrying on business or being in Our Dominions—

- (1) Not to pay any sum of money to or for the benefit of an enemy.
- (2) Not to compromise or give security for the payment of any debt or other sum of money with or for the benefit of an enemy.
- (3) Not to act on behalf of an enemy in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with any negotiable instrument.
- (4) Not to accept, pay, or otherwise deal with any negotiable instrument which is held by or on behalf of an enemy, provided that this prohibition shall not be deemed to be infringed by any person who has no reasonable ground for believing that the instrument is held by or on behalf of any enemy.
- (5) Not to enter into any new transaction, or complete any transaction already entered into with an enemy in any stocks, shares, or other securities.
- (6) Not to make or enter into any new marine, life, fire or other policy or contract of insurance with or for the benefit of an enemy ; nor to accept or give effect to any insurance of, any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of War.
- (7) Not directly or indirectly to supply to or for the use or benefit of, or obtain from, an enemy country or an enemy, any goods, wares or merchandise, nor directly or indirectly to supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from an enemy country or an enemy, nor directly or indirectly to trade in or carry any goods, wares or merchandise destined for or coming from an enemy country or an enemy.

- (8) Not to permit any British ship to leave for, enter or communicate with, any port or place in an enemy country.
- (9) Not to enter into any commercial, financial or other contract or obligation with or for the benefit of an enemy.
- (10) Not to enter into any transactions with an enemy if and when they are prohibited by an Order of Council made and published on the recommendation of a Secretary of State, even though they would otherwise be permitted by law or by this or any other Proclamation.

AND WE DO HEREBY FURTHER WARN all persons that whoever in contravention of the law shall commit, aid, or abet any of the aforesaid acts, is guilty of a crime and will be liable to punishment and penalties accordingly.

6. Provided always that where an enemy has a branch locally situated in British, allied, or neutral territory, not being neutral territory in Europe, transactions by or with such branch shall not be treated as transactions by or with an enemy.

7. Nothing in this Proclamation shall be deemed to prohibit payments by or on account of enemies to persons resident, carrying on business or being in Our Dominions, if such payments arise out of transactions entered into before the outbreak of War or otherwise permitted.

8. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our licence, or by the licence given on Our behalf by a Secretary of State, or the Board of Trade, whether such licences be especially granted to individuals or be announced as applying to classes of persons.

9. This Proclamation shall be called the TRADING WITH THE ENEMY PROCLAMATION NO. 2.

GIVEN AT Our Court at Buckingham Palace, this Ninth day of September, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of our Reign.

GOD SAVE THE KING.

No. 420-W.—The following Royal Proclamation is published for general information:—

*By the King.*

#### A PROCLAMATION.

EXTENDING THE PROHIBITIONS CONTAINED IN THE PROCLAMATION OF THE 9TH SEPTEMBER, 1914, RELATING TO TRADING WITH THE ENEMY.

GEORGE R.I.

WHEREAS the State of War between Us and the German Empire and the State of War between Us and the Dual Monarchy of Austria-Hungary referred to by Us in Our Proclamation of the ninth day of September, 1914, still continue to exist:

And whereas it is desirable to extend the prohibitions contained in Our said Proclamation:

Now, therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring, and it is hereby declared, as follows:—

#### 1. From and after the date of this Proclamation—

- (1) The importation of such sugar as is hereinafter mentioned is prohibited.
- (2) The following prohibition shall have effect (save so far as licenses may be issued as hereinafter provided) in addition to the prohibitions contained in Our said Proclamation, and We do hereby accordingly warn all persons resident, carrying on business, or being in our Dominions—
  - (a) Not directly or indirectly to import or cause or procure to be imported or to be concerned with the importation into any part of Our Dominions or into any other country or place whatever through or from any port in Europe of raw or refined sugar made or produced by an enemy or in an enemy country, or refined sugar (wherever made or produced) made or produced from raw sugar made or produced by an enemy or in an enemy country.
  - (b) Not directly or indirectly to deal in any sugar as aforesaid.

2. And We do hereby further warn all persons that whoever in contravention of the law shall commit, aid or abet any of the aforesaid acts is guilty of a crime and will be liable to punishment and penalties accordingly.

3. Nothing in this Proclamation shall be taken to prohibit anything which shall be expressly permitted by Our licence, or by the licence given on Our behalf by a Secretary of State or the Board of Trade, whether such licence be granted especially to individuals or be announced as applying to classes of persons.

4. The words "enemy" and "enemy country" and "person" shall have the same meaning in this Our Proclamation as in Our said Proclamation of the ninth day of September, 1914.

Given at Our Court at Buckingham Palace, this Thirtieth day of September, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING.

R. E. ENTHOVEN,

*Secretary to the Government of India.*

#### DEPARTMENT OF EDUCATION.

##### NOTIFICATIONS.

##### ECCLESIASTICAL.

*Simla, the 26th October, 1914.*

No. 525.—The services of the Reverend D. H. Gillan, Senior Chaplain, Church of Scotland, Bengal, are placed temporarily at the disposal of the Government of the United Provinces.

##### MUNICIPALITIES.

*The 28th October, 1914.*

No. 176.—In exercise of the powers conferred by section 6 of the Provident Funds Act, 1897 (IX of 1897), the Governor General in Council is pleased to extend the provisions of the said Act to the Provident Fund established by the Ahmedabad Municipality under section 46, sub-section (h), of the Bombay District Municipal Act, 1901 (III of 1901).

##### SANITARY.

*The 26th October, 1914.*

No. 1834.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by section 58 of the Pilgrim Ships Act, 1895 (XIV of 1895), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Governor General in Council on or after the 1st January 1915.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date aforesaid will be considered by the Governor General in Council—

##### *Draft Rule.*

The following addition shall be made to the rules published with the notification of the Government of India in the Home Department No. 1902, dated the 14th October 1910, namely :—

At the end of rule 80 (3) the following shall be inserted :— "the holder of such a degree, license or qualification being also registered in the United Kingdom or in India".

*The 28th October, 1914.*

No. 1844.—The services of the undermentioned officers are placed temporarily at the disposal of His Excellency the Commander-in-Chief in India :—

Major T. H. Gloster, M.B., I.M.S.

Captain J. Taylor, M.D., I.M.S.



No. 1849.—The services of Major S. P. James, M.D., I.M.S., Assistant Director General, Indian Medical Service (Sanitary), are placed temporarily at the disposal of the Chief Commissioner of Assam.

No. 1850.—Major F. N. White, M.D., I.M.S., Officiating Assistant Director General, Indian Medical Service (Sanitary), is appointed substantively to that post, Major James's lien upon the appointment being suspended under article 89 of the Civil Service Regulations on his transfer to special duty in Assam.

L. C. PORTER,

*Secretary to the Government of India.*

### ARMY DEPARTMENT.

*Simla, the 30th October 1914.*

#### APPOINTMENTS.

No. 967.—With reference to Army Department Notification No. 271, dated the 20th March 1914, Mr. F. W. L. Devine, Registrar, office of the Military Secretary to His Excellency the Viceroy, is appointed to officiate as Personal Assistant to the Military Secretary to His Excellency the Viceroy during the absence on leave of Mr. R. Parsons.

#### INDIAN ARMY.

##### ARMY RESERVES.

No. 968.—The following gentlemen are appointed to the Indian Army Reserve of Officers, subject to His Majesty's approval :—

##### *To be Lieutenants.*

Frederick William Heilgers,—Cavalry Branch.

George Chedley Frederick Nelson,—Infantry Branch. Dated 30th October 1914.

##### *To be Second-Lieutenants.*

John Howard Carpenter } —Cavalry Branch. Dated 30th  
Barre Herbert Goldie } October 1914.

Robert Charles Hillman Padfield,—Infantry Branch. Dated 10th October 1914.

<p>Leonce Armand Rayneau Herbert Guy Dunning Reginald John Evans Albert Richards Charles Henry Walpole Phillips Frank William Hurst George Reed Hugh Crawford St. John Alfred Shelverton Edward Philip Keeling Michael Joseph MacDermott John McKay Frederick George Butcher Robert Dunham Tibbs Clive Armstrong Johnson Cyril Walter Wallace John Cadogan Powell-Price Harry Bentley Herbert Bertram Hayfield Arthur Clifford Earp Frederic Auber Menzies</p>	}	<p>—Infantry Branch. Dated 30th October 1914.</p>
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## LONDON GAZETTE.

No. 969.—The following extracts are published for general information :—

*Third Supplement, dated the 28th September 1914, to the "London Gazette," dated the 25th September 1914, pages 7663, 7664 and 7665.*

War Office,

28th September 1914.

## REGULAR FORCES.

## INFANTRY.

The undermentioned Officers to command Battalions of the New Army, and those under the rank of Lieutenant-Colonel are granted the temporary rank of Lieutenant-Colonel :—

Dated 6th September 1914.

*	*	*	*	*	*	*	*
<i>The Buffs (East Kent Regiment), Lieutenant-Colonel Gilbert W. Johnson (Indian Army), 7th Battalion.</i>							
*	*	*	*	*	*	*	*
<i>The Northumberland Fusiliers, Lieutenant-Colonel Hubert St. G. Thomas (Indian Army), 9th Battalion.</i>							
*	*	*	*	*	*	*	*
<i>The Sherwood Foresters (Nottinghamshire and Derbyshire Regiment), Lieutenant-Colonel Walter E. Banbury (Indian Army), 10th Battalion.</i>							
*	*	*	*	*	*	*	*
<i>The Queen's Own (Royal West Kent Regiment), Colonel Charles H. Clay (Indian Army), 7th Battalion.</i>							
*	*	*	*	*	*	*	*
<i>The Highland Light Infantry, Lieutenant-Colonel Albert Giles (Indian Army), 12th Battalion.</i>							
*	*	*	*	*	*	*	*

*"London Gazette," dated the 29th September 1914, pages 7683, 7684, 7685, 7687 and 7699.*

War Office,

29th September 1914.

## REGULAR FORCES.

## COMMANDS AND STAFF.

The undermentioned appointments are made :—

## PERSONAL STAFF.

## Aides-de-Camp—

*	*	*	*	*	*	*	*
<i>Lieutenant Malcolm L. Woolcombe, Indian Army. Dated 11th August 1914.</i>							
<i>Major Donald H. Cameron, retired pay, Indian Army. Dated 12th September 1914.</i>							
*	*	*	*	*	*	*	*

## GENERAL STAFF OFFICERS.

## 2nd Grade—

*	*	*	*	*	*	*	*
<i>Colonel G. de S. De Lisle, retired pay, Indian Army. Dated 19th September 1914.</i>							
*	*	*	*	*	*	*	*

## CAVALRY.

12th (Prince of Wales's Royal) Lancers, Captain Claud H. G. Black, from the 34th Prince Albert Victor's Own Poona Horse to be Captain. Dated 24th September 1914.

\* \* \* \* \*

## SPECIAL RESERVE OF OFFICERS.

## RESERVE UNITS.

## CAVALRY.

\* \* \* \* \*

Captain R. E. T. Hogg, C.I.B., Central India Horse, to be Adjutant. Dated 24th August 1914.

\* \* \* \* \*

## TERRITORIAL FORCE.

## YEOMANRY.

\* \* \* \* \*

## Derbyshire—

\* \* \* \* \*

Major Percy Edward Ricketts, M.V.O. (Indian Army), to be Major. Dated 30th September 1914.

\* \* \* \* \*

Second Supplement, dated the 30th September 1914, to the "London Gazette," dated the 29th September 1914, pages 7771, 7777, 7779, 7780, 7783 and 7785.

War Office,

30th September 1914.

## REGULAR FORCES.

## COMMANDS AND STAFF.

The undermentioned appointments are made :—

## PERSONAL STAFF.

## Aides-de-Camp—

Major D. H. Campbell, retired pay, Indian Army. Dated 12th September 1914.

\* \* \* \* \*

The undermentioned Gentlemen Cadets from the Royal Military College to be Second Lieutenants. Dated 1st October 1914 :—

## REGULAR FORCES.

\* \* \* \* \*

## UNATTACHED LIST INDIAN ARMY.

With a view to their appointment to the Indian Army—

Godfrey Hugh St. Pierre Bunbury.

Evelyn Stanley Haughton Morris.

Heber Jackson Ackland.

Berthold Wells Key.

Vernon Hamilton Raynor.

John Wolseley Ansell.

Gerald Alexander Leith Farwell.



George Geoffrey Voelcker.  
 William Reginald Bridgewater Williams.  
 Cyril Muncaster Percy-Jones.  
 Gerald Carr-White.  
 Alan David Eugene Reiche.  
 Eric Giles Savage.  
 Edmund Leonard James Barstow.  
 Geoffrey Raymond Clarke.  
 Hilton Light.  
 Arthur Ulric Molyneux Spottiswoode.  
 Henry Rauthwells Traill.  
 Harry Siegfried Seth Pringle-Pattison.  
 Robert Louis Victor Flemming.  
 George Eric FitzGerald Shute.  
 Alick Hector Winson Ramsay.  
 John Rochfort Armstrong Henry.  
 Roger Gillies Ekin.  
 Edward Richard Kennedy.  
 Maurice Henry Howard Smith.  
 William Ivon Parsons Feltham.  
 Henry Richmond Crichton.  
 Mervyn Robert Keene.  
 Lewine Charles James Bendyshe Walton.  
 Wilfred Bernard O'Shea.  
 Joseph Osborne Hanwell.

\* \* \* \* \*

#### TERRITORIAL FORCE.

\* \* \* \* \*

*Scottish Horse*; the following appointments are made. Dated 25th August 1914 :—  
 To be Lieutenant-Colonels :—

\* \* \* \* \*

Lieutenant-Colonel John Vans-Agnew, retired pay, Indian Army.

\* \* \* \* \*

The undermentioned to be Captains (temporary). Dated 6th September 1914 :—

\* \* \* \* \*

Theodore Julian Bolland (late Lieutenant, 16th Rajputs (Indian Army) ).

\* \* \* \* \*

#### GENERAL LIST.

\* \* \* \* \*

The undermentioned to be Captains :—

\* \* \* \* \*

Guillaume A. Prier de Soane (late Captain, Bombay Rifle (Volunteers) ). Dated 1st October 1914.

\* \* \* \* \*

*Third Supplement, dated the 1st October 1914, to the "London Gazette," dated the 29th September 1914, pages 7787, 7788 and 7790.*

War Office,  
1st October 1914.

## REGULAR FORCES.

\* \* \* \* \*

The undermentioned to be temporary Captains :—

Dated 28th September 1914.

\* \* \* \* \*

W. W. Marshall, late Captain, Indian Army.

\* \* \* \* \*

The undermentioned to be temporary Lieutenants :—

Montague D. Mawe, Lieutenant, Bombay Volunteer Artillery. Dated 28th September 1914.

\* \* \* \* \*

The undermentioned to be temporary Captains :—

Honorary Captain Ernest Y. Barnard (Supernumerary), Punjab Light Horse. Dated 14th September 1914.

*"London Gazette," dated the 2nd October 1914, pages 7816 and 7822.*

War Office,  
2nd October 1914.

## TERRITORIAL FORCE.

## TERRITORIAL FORCE RESERVE.

*General List.*

\* \* \* \* \*

The undermentioned to be Majors. Dated 3rd October 1914 :—

\* \* \* \* \*

Major William Ninnis Porter (late Indian Army).

\* \* \* \* \*

Major Thomas Matthew English (late Indian Army).

Lieutenant-Colonel Newdigate Addington Keightley Burne (late Indian Army).

\* \* \* \* \*

Major Hugh Edward Cotterill (late Indian Army).

Captain and Honorary Major Edgar Hill (late Indian Army).

\* \* \* \* \*

The undermentioned to be Captains :—

\* \* \* \* \*

Captain Henry Graham Taylor (late Indian Army). Dated 3rd October 1914.

## PROMOTIONS.

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## ASSISTANT SURGEON BRANCH.

*Bombay Establishment.*

No. 970.—The undermentioned 3rd Class Assistant Surgeon, having completed seven years' service in that class and passed the required departmental examination, to be 2nd Class Assistant Surgeon, with effect from the 1st October 1914 :—

Donald Edward Everard White.

## SUB-ASSISTANT SURGEON BRANCH.

*Bengal Establishment.*

No. 971.—The undermentioned 2nd Class Sub-Assistant Surgeon, having completed five years' service in that class and passed the required departmental examination, to be 1st Class Sub-Assistant Surgeon, with effect from the 20th October 1914 :—

No. 1105, Karta Ram (E).

(E) Passed in English.

## INDIA MISCELLANEOUS LIST.

No. 972.—Staff-Serjeant John Perley to be Sub-Conductor, *vice* Ernest Joseph Perry, transferred to the pension establishment ; with effect from the 5th October 1914.

## NATIVE ARMY.

## APPOINTMENTS AND PROMOTIONS.

No. 973.—The following promotions are made :—

*11th King Edward's Own Lancers (Probyn's Horse).*

Risaldar Suraj Singh to be Risaldar-Major, Ressaidar Bichitar Singh to be Risaldar, Jemadar Ram Singh to be Ressaidar and Dafadar Dhalip Singh to be Jemadar, *vice* Partab Singh, deceased ; with effect from the 10th September 1914.

*15th Lancers (Cureton's Multanis).*

Kot-Dafadar Haqdad Khan to be Jemadar, to complete the establishment ; with effect from the 9th August 1914.

*16th Cavalry.*

Risaldar Agia Ram to be Risaldar-Major, Ressaidar Wariam Singh to be Risaldar Jemadar Labh Singh to be Ressaidar and Dafadar Munshi Ram to be Jemadar, *vice* Hushnak Singh, transferred to the pension establishment ; with effect from the 1st October 1914.

*18th King George's Own Lancers.*

Jemadar Muhammad Inayat Khan to be Ressaidar and Dafadar Muhammad Khan to be Jemadar, *vice* Ressaidar Dost Muhammad Khan, I.O.M., seconded as Aide-de-Camp to His Excellency the Commander-in-Chief ; with effect from the 1st April 1914.

Kot-Dafadar Dhuman Khan to be Jemadar, *vice* Saif Ali Khan, transferred to the pension establishment ; with effect from the 16th September 1914.

*56th Punjabi Rifles (Frontier Force).*

Subadar Firoz Khan to be Subadar-Major, Jemadar Jagat Singh to be Subadar and Havildar Shamsheer Singh to be Jemadar, *vice* Narayan Singh, Sardar Bahadur, I.O.M., transferred to the pension establishment ; with effect from the 26th October 1914.

*98th Infantry.*

Subadar Ahmad Bakhsh to be Subadar-Major, Jemadar Khub Ram to be Subadar and Colour-Havildar Nand Lal to be Jemadar, *vice* Sewaram, transferred to the pension establishment ; with effect from the 13th September 1914.

Jemadar Rai Singh to be Subadar, Havildars Shiu Lal and Mirza Ain Beg and Lance-Havildar Muhammad Ismail Khan to be Jemadars, to complete the establishment ; with effect from the 13th September 1914.

*122nd Rajputana Infantry.*

Subadar Sujan Singh to be Subadar-Major, *vice* Jagat Singh, transferred to the pension establishment ; with effect from the 1st June 1914.

*44th Merwara Infantry.*

No. 974.—The promotions of Jemadar Dalla and Havildars Hamira and Bhura should have effect from the 7th June 1914, and not as stated in Army Department Notification No. 841, dated the 18th September 1914.

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PENSIONS.

## WARRANT OFFICERS.

No. 975.—The undermentioned warrant officer has been transferred to the pension establishment, with effect from the 5th October 1914 :—

Sub-Conductor Ernest Joseph Perry,—India Miscellaneous List.

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RETIREMENTS.

## INDIAN ARMY.

No. 976.—The undermentioned officers have been transferred by the Most Hon'ble the Secretary of State for India to the Temporary Half-Pay List, subject to His Majesty's approval, with effect from the dates specified :—

Captain Ivar MacIvor, 39th King George's Own Central India Horse,—9th September 1914.

Captain William Reginald Carey, 53rd Sikhs (Frontier Force),—3th November 1914.

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VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Bihar Light Horse.*

No. 977.—Second-Lieutenant Edward John Woodhouse to be Captain, *vice* W. O. Macgregor, V.D., transferred to the Supernumerary List. Dated the 4th October 1914.

*Chota Nagpur Light Horse.*

No. 978.—Lieutenant Daniel Douglas to be Captain, supernumerary to the establishment. Dated the 30th October 1914.

Lieutenant J. Cave resigns his commission. Dated the 25th August 1914.

*Madras Artillery Volunteers, "The Duke's Own."*

No. 979.—Henry Stewart Robertson to be Second Lieutenant, to fill an existing vacancy. Dated the 21st September 1914.

Halley McKean to be Second Lieutenant, to fill an existing vacancy. Dated the 21st September 1914.

Horace Arthur DuCane Hignett to be Second Lieutenant, to fill an existing vacancy. Dated the 21st September 1914.

Frederic Gilbert Aulay Macaulay to be Second Lieutenant, to fill an existing vacancy. Dated the 29th September 1914.

*Bombay Volunteer Artillery.*

No. 980.—Edward Leonard Bagshawe to be Second Lieutenant, to fill an existing vacancy. Dated the 24th September 1914.



*Southern Provinces Mounted Rifles.*

No. 981.—Lieutenant William Lancaster Ranking to be Captain, to fill an existing vacancy. Dated the 1st September 1914.

Veterinary-Lieutenant Herbert Evander Browne to be Veterinary-Captain. Dated the 27th August 1914.

James Stuart Nicolson to be Surgeon-Lieutenant, to fill an existing vacancy. Dated the 1st September 1914.

*1st Punjab Volunteer Rifles.*

No. 982.—Miles Irving to be Major, *vice* W. Hawkins, transferred to the Supernumerary List. Dated the 21st August 1914.

Bertram Nigel Bosworth Smith to be Second Lieutenant, to fill an existing vacancy. Dated the 26th August 1914.

*South Indian Railway Volunteer Rifles.*

No. 983.—Cuthbert Edward Roban Norman to be Surgeon-Lieutenant, to fill an existing vacancy. Dated the 6th October 1914.

*2nd (Presidency) Battalion, Calcutta Volunteer Rifles.*

No. 984.—Lieutenant Horace Sydney Hodges resigns his commission. Dated the 11th September 1914.

## JUDICIAL.

No. 985.—In Army Department Notification No. 860, dated the 18th September 1914, clauses VI and VIII, *for* "Accountants, 2nd Grade (Pay Rs. 200—280, or Rs. 200—250 per mensem)," *read* "Accountants, 2nd Grade (Pay Rs. 200—280, or Rs. 150—200 per mensem)."

W. R. BIRDWOOD, *Major-General,*  
*Secretary to the Government of India.*

## ARMY DEPARTMENT.

## NOTIFICATION.

*Simla, the 30th October 1914.*

Under Clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that a report of the death of the undermentioned Warrant Officer on the date specified, was received in the Army Department between the 21st and 27th October 1914 :—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	REMARKS
Indian Subordinate Medical Department.	Assistant Surgeon Frederick Joseph Bernard.	22nd October 1914.	Orleans (France)	...

W. R. BIRDWOOD, *Major-General,*  
*Secretary to the Government of India.*

## RAILWAY DEPARTMENT.

## (RAILWAY BOARD.)

## NOTIFICATIONS.

*Simla, the 26th October, 1914.*

No. 283.—With reference to Railway Board's Notification No. 91, dated the 28th April 1914, Mr. H. Bloor, Officiating District Locomotive Superintendent, Oudh and Rohilkhand Railway, reverted to the rank of Officiating Assistant Locomotive Superintendent on that railway from the 16th to the 26th September 1914. From the 27th September 1914 he was again appointed to officiate as a District Locomotive Superintendent.

*The 27th October, 1914.*

No. 284.—With reference to Railway Board's Notification No. 301, dated the 23rd October 1913, Mr. H. St. G. Gilmore, Officiating Deputy Traffic Manager, Oudh and Rohilkhand Railway, reverted to his substantive appointment of District Traffic Superintendent in class II, grade 1, of the Superior Revenue Establishment of State Railways, with effect from the 15th September 1914.

No. 285.—Mr. H. St. G. Gilmore, District Traffic Superintendent, North Western Railway, in class II, grade 1, of the Superior Revenue Establishment of State Railways, is appointed to officiate as Deputy Traffic Manager with temporary rank in class I of that Establishment, with effect from the 22nd September 1914, and until further orders.

No. 286.—With reference to Railway Board's Notification No. 117, dated the 12th May 1914, Mr. N. C. Haldar, Officiating Deputy Traffic Manager, North Western Railway, reverted to his substantive appointment of District Traffic Superintendent in class II, grade 1, of the Superior Revenue Establishment of State Railways, with effect from the 22nd September 1914.

No. 287.—With reference to Railway Board's Notification No. 175, dated the 2nd July 1914, Mr. R. N. Nicolls, Officiating District Traffic Superintendent, North Western Railway, reverted to his substantive appointment of Assistant Traffic Superintendent in class III, grade 1, of the Superior Revenue Establishment of State Railways, with effect from the 16th September 1914.

*The 28th October, 1914.*

No. 288.—With reference to Railway Board's Notification No. 91, dated the 28th April 1914, Mr. H. Bloor, Officiating District Locomotive Superintendent, Oudh and Rohilkhand Railway, reverted to the rank of Officiating Assistant Locomotive Superintendent, with effect from the 9th October 1914.

No. 289.—The following is published for general information :—

No. 1631-T., dated the 26th October 1914.

RESOLUTION—By the Railway Board.

**Adoption, on the Burdwan-Cutwa Railway, of the General Rules for working railways under construction and certain amendments therein.**

RESOLUTION.—The Managing Agents of the Burdwan-Cutwa Railway Company have applied for permission to adopt on such portion or portions of the Burdwan-Cutwa Railway as may be under construction, the General Rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which were promulgated with Railway Board's Resolution No. 1216-R. T., dated the 6th July 1912, and published in the *Gazette of India* under their Notification No. 114 of the same date, and certain amendments therein which were promulgated with Railway Board's Resolution No. 1023-T., dated the 23rd June 1914, and published in the *Gazette of India* under their Notification No. 169, dated the 26th June 1914.

2. In exercise of the powers conferred by the notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board sanction, under section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890), the adoption of the General Rules

for working railways under construction and of the amendments therein, cited in paragraph 1 above, on such portion or portions of the Burdwan-Cutwa Railway as may be under construction.

**ORDER.**—Ordered that this Resolution be published under a notification in Part I of the *Gazette of India* as required by section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890), and that the General rules and the amendments, which have already been published in the *Gazette of India*, be further notified to the railway servants concerned, and to the public, by a copy thereof being kept open to inspection, free of charge, in the office of the Engineer-in-Chief in charge of the construction of the railway; also that a copy of this Resolution be communicated to the Managing Agents, Burdwan-Cutwa Railway Company, for information and guidance, and to the Senior Government Inspector of Railways, Circle No. 2, and the Secretary, Indian Railway Conference Association, for information.

**No. 290.**—With reference to Railway Board's Notification No. 152, dated the 9th June 1914, the permanent promotion of Mr. R. C. Gupta, District Traffic Superintendent, Eastern Bengal Railway, to class II, grade 5, of the Superior Revenue Establishment of State Railways, with effect from the 1st April 1914, is *ante*-dated to the 20th October 1913.

**No. 291.**—In pursuance of sub-section (1) of section 135 of the Indian Railways Act, 1890 (IX of 1890), and in continuation of the Notification of the Government of India in the Railway Department No. 222, dated the 24th August 1911, the Governor General in Council is pleased to declare that the Administration of the Burma Railways shall be liable to pay, in aid of the funds of the local authorities set out in the schedule hereto annexed, the additional taxes specified against each in the second column thereof.

#### SCHEDULE.

Local Authorities.			Taxes.
1			2
Bassein Municipality	...	...	Water tax.
Gyobingauk Municipality	...	..	Lighting tax.
Nyaunglebin Municipality	...	...	Scavenging tax.
Pyinmana Municipality	...	...	Scavenging tax.
Kyaukse Municipality	...	...	Scavenging tax.
Maymyo Municipality	...	...	Scavenging and lighting taxes.
Insein Municipality	...	..	House and land taxes.
Nattalin Municipality	...	...	Land tax.
Sagaing Municipality	...	...	Land tax.

**No. 292.**—Mr. A. T. Stowell, Officiating Deputy Traffic Manager, North Western Railway, in class I of the Superior Revenue Establishment of State Railways, is appointed Assistant Secretary (Traffic), Railway Board, with effect from the 17th October 1914.

**No. 293.**—It is hereby notified for general information that the Railway Board have sanctioned a detailed survey being carried out by the Agency of the Sind Light Railways Company, Limited, for an extension of the Mirpur Khass-Khadro Railway from Khadro to Pritamabad, a distance of about 5 miles.

2. The survey will be known as the Khadro-Pritamabad extension railway survey.

*The 29th October 1914.*

No. 294.—With reference to Railway Board's Notification No. 8, dated the 13th January 1914 and No. 277, dated the 21st October 1914, Mr. J. A. Tomlinson, Officiating District Locomotive Superintendent, Eastern Bengal Railway, reverted to his substantive appointment of Assistant Locomotive Superintendent in class III, grade 2, with effect from the 21st September 1914.

No. 295.—Mr. J. Silvester, Deputy Locomotive and Carriage Superintendent, Oudh and Rohilkhand Railway, in class I of the Superior Revenue Establishment of State Railways, is permitted to retire from the service of Government under the provisions of Article 650 of the Civil Service Regulations, with effect from the 11th October 1914.

*The 30th October, 1914.*

No. 296.—Mr. H. B. Holmes, Traffic Manager, Oudh and Rohilkhand Railway, is appointed to officiate as Agent of that Railway with effect from the 22nd October 1914 and until further orders.

No. 297.—With reference to Railway Board's Notification No. 295 dated the 30th October 1914, Mr. A. R. Jacobson, Deputy Traffic Manager, Oudh and Rohilkhand Railway, is appointed to officiate as Traffic Manager of that Railway until further orders.

No. 298.—Mr. N. Pearce, Executive Engineer, on recall from leave, held charge of the offices of the Junior Government Inspector of Railways, Circle No. 5, and the Superintendent of Local Manufactures, Bombay, from the 16th to the 20th October 1914. From the 21st idem Mr. Pearce was transferred to the Lower Ganges Bridge.

No. 299.—Mr. R. C. Briggs, Executive Engineer, was, on recall from leave, attached to Inspection Circle No. 5, Bombay, from the 16th to the 20th October 1914. From the 21st idem and until further orders, Mr. Briggs is appointed to officiate as Junior Government Inspector of Railways, Circle No. 5, and Superintendent of Local Manufactures, Bombay.

No. 300.—The undermentioned gentlemen are appointed probationary Assistant Traffic Superintendents in class III, grade 5, of the Superior Revenue Establishment of State Railways and posted to the Railways noted against their names :—

Khawaja Mohamad Hasan—North Western Railway.

Mr. Akhoury Bholanath—North Western Railway.

Mr. Ban Bihari Sikdar—Eastern Bengal Railway.

Mr. Vaman Prabhakar Bhandarkar—Eastern Bengal Railway.

Mr. Archibald Percival Reginald Grindley—Oudh and Rohilkhand Railway.

Sardar Wali Mohamad Khan—North Western Railway.

Mr. Sundra Singh Gyani—North Western Railway.

Mr. Charles Thomas Edward Pratt—North Western Railway.

Malik Mohamad Sher Khan Nun—North Western Railway.

No. 301.—In pursuance of Sub-section (1) of section 135 of the Indian Railways Act, 1890 (IX of 1890), and in continuation of the Notification of the Government of India in the Railway Department, No. 120 dated the 13th May 1914 the Governor General in Council is pleased to declare that the Administration of the Bombay, Baroda and Central India (including the Rajputana Malwa) Railway shall be liable to pay, in aid of the funds of the local authority set out in the schedule hereto annexed, the tax specified in the second column thereof.

## SCHEDULE.

Local Authority.	Tax.
1	2
Nadiad Municipality ... ..	House tax.



No. 302.—In pursuance of Sub-section (i) of Section 135 of the Indian Railways Act, 1890 (IX of 1890), the Governor-General in Council is pleased to declare that the Administration of the Nadiad-Kapadvanj Railway shall be liable to pay, in aid of the funds of the local authorities set out in the schedule hereto annexed, the taxes specified against each in the second column thereof.

## SCHEDULE.

Local Authorities.			Taxes.
1			2
Mahudha Municipality	...	...	House tax.
Nadiad Municipality	...	...	House tax.

T. RYAN,  
Secretary, Railway Board.



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# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 45.} DELHI, SATURDAY, NOVEMBER 7, 1914.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

Government of India Notifications, Appointments, Promotions, etc.

### MILITARY SECRETARY'S OFFICE.

#### NOTIFICATION.

Delhi, the 3rd November 1914.

**No. 4741-M.**—Intelligence having been received of the death of His Highness Prince Maurice Victor Donald of Battenberg, K.C.V.O., Court Mourning is ordered for three weeks from the 23th October, half mourning commencing from the 11th November 1914.

When attending Viceregal Lodge, ladies will appear in black until the 10th November and thereafter in half mourning (white, grey or mauve). Officers will, when attending Viceregal Lodge, wear a crape band on the left arm throughout the period of Court Mourning.

By command,

F. A. MAXWELL, *Lt.-Colonel,*  
*Military Secretary to the Viceroy.*

## LEGISLATIVE DEPARTMENT.

## NOTIFICATION.

*Delhi, the 6th November 1914.*

**No. 54.**—Babu Amrita Lal Banerjee, B.A., an Assistant in the Legislative Department, has been appointed temporarily to be a Superintendent in that Department, with effect from the 1st November, 1914, *vice* Mr. S. Ashley Collins, retired.

A. P. MUDDIMAN,

*Offg. Secretary to the Government of India.*

## HOME DEPARTMENT.

## NOTIFICATIONS.

## JUDICIAL.

*Simla, the 26th October 1914.*

**No. 2177.**—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following amendments shall be made in the Indian Arms Rules, 1909, namely :—

In Schedule II, in the second and third columns of the entry relating to "British India" below the entry relating to air-guns the following shall be inserted, namely :—

"Explosives made in small quantities for the purpose of chemical experiment and not for practical use or for sale ;

and

Those contained in sections 5 and 14.

the following classes of explosives when intended for *bona fide* private blasting purposes :—

- (1) gunpowder in any quantity not exceeding 30 pounds ;
- (2) cartridges made with gunpowder and not containing their own means of ignition, and containing in all not more than 30 pounds of gunpowder ;
- (3) percussion caps ;
- (4) safety fuses."

Those contained in section 14.

**No. 2215.**—In exercise of the powers conferred by section 27 of the Indian Arms Act 1878 (XI of 1878), the Governor-General in Council is pleased to cancel the Home Department Notification No. 1821-Judicial, dated the 22nd October 1913.

*Simla, the 27th October 1914.*

**No. 2248.**—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Indian Arms Rules, 1909, namely :—

In Schedule II in the second and third columns against entry (a) relating to the province of Burma, after item (5) the following shall be inserted, namely :—

"(6) Kirpans possessed or carried by Sikhs ".....All.

H. WHEELER,

*Secretary to the Government of India.**Simla, the 31st October 1914.*

**No. 2326.**—In pursuance of section 3 of the Indian High Courts Act, 1911 (1 and 2 Geo. 5, cap. 18), the Governor-General in Council is pleased to appoint Mr. A. L. Hannay, I.C.S., to be a temporary Additional Judge of the High Court of Judicature at Madras, with effect from the date on which his present appointment of temporary Additional Judge of that Court ceases until a permanent successor to the Hon'ble Sir John Wallis, Kt., Barrister-at-Law, in the office of Puisne Judge has been appointed and has assumed charge of his office.

C. W. E. COTTON,

*for Secretary to the Government of India.*

## MEDICAL.

*Delhi, the 5th November 1914.*

**No. 71-C.**—The services of Major S. H. Lee-Abbott, M.B., I.M.S., are placed permanently at the disposal of the Government of the Punjab.

## POLITICAL.

*Delhi, the 3rd November 1914.*

**No. 28-C.**—Whereas it appears to the Governor General in Council that the paper in Urdu called the *Ghadr* (Mutiny), published by the "Yugantar Ashram" of San Francisco, United States of America, contains words of the nature described in section 4, sub-section (1) of the Indian Press Act of 1910 (I of 1910), in pursuance of the notification of the Governor General in Council, no. 1008, dated the 1st October 1912, issued in accordance with the provisions of section 3 of the Delhi Laws Act of 1912 (XIII of 1912), and in pursuance of section 12 of the Indian Press Act of 1910 (I of 1910), the Governor General in Council is pleased to declare all issues of the said paper to be forfeited to His Majesty on the ground that, in his opinion, they contain words which may have a tendency to bring into hatred and contempt and to excite disaffection towards the Government established by law in British India.

**No. 29-C.**—Whereas it appears to the Governor General in Council that the weekly newspaper in Urdu entitled "*Jehan-i-Islam*", published at Constantinople, contains words of the nature described in section 4, sub-section (1) of the Indian Press Act of 1910 (I of 1910), in pursuance of the notification of the Governor General in Council, no. 1008, dated the 1st October 1912, issued in accordance with the provisions of section 3 of the Delhi Laws Act of 1912 (XIII of 1912), and in pursuance of section 12 of the Indian Press Act of 1910 (I of 1910), the Governor General in Council is pleased to declare all issues of the said newspaper to be forfeited to His Majesty on the ground that, in his opinion, they contain words which may have a tendency to bring into hatred and contempt and to excite disaffection towards the Government established by law in British India.

**No. 30-C.**—Whereas it appears to the Governor General in Council that the paper (in whatsoever language) called the "*Hindustan Ghadr*" published at San Francisco, United States of America, contains words of the nature described in section 4, sub-section (1) of the Indian Press Act of 1910 (I of 1910), in pursuance of the notification of the Governor General in Council, no. 1008, dated the 1st October 1912, issued in accordance with the provisions of section 3 of the Delhi Laws Act of 1912 (XIII of 1912), and in pursuance of section 12 of the Indian Press Act of 1910 (I of 1910), the Governor General in Council is pleased to declare all issues of the said paper to be forfeited to His Majesty on the ground that, in his opinion, they contain words which may have a tendency to bring into hatred and contempt and to excite disaffection towards the Government established by law in British India.

**No. 31-C.**—Whereas it appears to the Governor General in Council that the pamphlet entitled "*Gadr di Gunj*" (Echo of Mutiny), published (in Gurmukhi and in any other Indian language) by the "Yugantar Ashram" of San Francisco, United States of America, contains words of the nature described in section 4, sub-section (1) of the Indian Press Act of 1910 (I of 1910), in pursuance of the notification of the Governor General in Council, no. 1008, dated the 1st October 1912, issued in accordance with the provisions of section 3 of the Delhi Laws Act of 1912 (XIII of 1912), and in pursuance of section 12 of the Indian Press Act of 1910 (I of 1910), the Governor General in Council is pleased to declare all issues of the said pamphlet to be forfeited to His Majesty on the ground that, in his opinion, they contain words which may have a tendency to bring into hatred and contempt and to excite disaffection towards the Government established by law in British India.

**No. 32-C.**—Whereas it appears to the Governor General in Council that the monthly paper entitled "*The Hindustanee*—the official organ of the United India League", published in Vancouver, British Columbia, contains words of the nature described in section 4, sub-section (1) of the Indian Press Act of 1910 (I of 1910), in pursuance of the notification of the Governor General in Council, no. 1008, dated the 1st October 1912, issued in accordance with the provisions of section 3 of the Delhi Laws Act of 1912 (XIII of 1912), and in pursuance of section 12 of the Indian Press Act of 1910 (I of 1910), the Governor General in Council is pleased to declare all issues of the said paper to be forfeited to His Majesty on the ground that, in his opinion, they contain words which may have a tendency to bring into hatred and contempt and to excite disaffection towards the Government established by law in British India.



**No. 33-C.**—Whereas it appears to the Governor-General in Council that the pamphlet in Gurmukhi entitled "Zulum, Zulum, Goro Shahi Zulum", contains words of the nature described in section 4, sub-section (1), of the Indian Press Act of 1910 (I of 1910), in pursuance of the notification of the Governor-General in Council, no. 1008, dated the 1st October 1912, issued in accordance with the provisions of section 3 of the Delhi Laws Act of 1912 (XIII of 1912), and in pursuance of section 12 of the Indian Press Act of 1910 (I of 1910) the Governor General in Council is pleased to declare all issues of the said pamphlet to be forfeited to His Majesty on the ground that, in his opinion, they contain words which may have a tendency to bring into hatred and contempt and to excite disaffection towards the Government established by law in British India.

*Delhi, the 6th November 1914.*

**No. 2313.**—The following Proclamation by His Excellency the Governor-General, dated the 6th November 1914, is published for general information :—

PROCLAMATION.

I, Charles, Baron Hardinge of Penshurst, Governor-General of India and *ex-officio* Vice-Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between His Majesty and Turkey.

HARDINGE OF PENSHURST.

H. WHEELER,

*Secretary to the Government of India.*

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DEPARTMENT OF EDUCATION.

NOTIFICATIONS.

ECCLESIASTICAL.

*Delhi, the 6th November 1914.*

**No. 535.**—The services of the Reverend A. M. Nelson, Chaplain, Church of Scotland, Bengal, are placed temporarily at the disposal of the Chief Commissioner, Delhi.

**No. 536.**—The services of the Reverend R. G. Jamieson, Chaplain, Church of Scotland, Bengal, are placed temporarily at the disposal of the Government of the Punjab.

L. PORTER,

*Secretary to the Government of India.*

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DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

CIVIL VETERINARY ADMINISTRATION.

*Simla, the 6th November 1914.*

**No. 10-C.**—With reference to this Department's Notification No. 234-C., dated the 26th February 1914, Mr. S. G. M. Hickey, M.R.C.V.S., reverted to the Civil Veterinary Department, Central Provinces, for training with effect from the 16th December 1913.

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FORESTS.

*Delhi, the 6th November 1914.*

**No. 19-C.**—On relief by Mr. M. Hill, Mr. P. H. Clutterbuck, Officiating Chief Conservator of Forests, Central Provinces, reverted to his substantive appointment of Conservator of Forests, 3rd grade, with effect from the 19th October 1914. He resumed charge of the office of Conservator of Forests, Eastern Circle, United Provinces, on the forenoon of 30th October 1914. From the latter date Mr. J. C. Tulloch, Officiating Conservator of Forests, 3rd grade, reverted to his substantive appointment of Deputy Conservator of Forests on the United Provinces cadre.

**No. 20-C.**—Mr. P. H. Clutterbuck, Conservator of Forests, 3rd grade, is appointed to officiate as Conservator of Forests, 2nd grade, from the 19th October 1914, until further orders.

From the same date Mr. H. G. Billson, Conservator of Forests, 3rd grade, *provisional substantive*, officiating 2nd grade, ceases to officiate in the latter grade.

L. J. KERSHAW.

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

### NOTIFICATIONS.

*Delhi, the 3rd November 1914.*

**No. 31.**—The undermentioned gentlemen have been appointed Assistant Engineers by His Majesty's Secretary of State for India and are posted as follows :—

Mr. C. F. Randall	Madras.
Mr. J. Tate	Madras.
Mr. R. B. Clegg	Bombay.
Mr. N. T. Calder	Bengal.
Mr. C. E. Fieldsend	Bengal.
Mr. Bidhu Bhusan Roy	United Provinces (Buildings and Roads Branch).
Mr. W. H. Cooper	United Provinces (Irrigation Branch).
Mr. J. F. Kinneen	United Provinces (Irrigation Branch).
Mr. F. H. Hutchinson	United Provinces (Irrigation Branch).
Mr. J. H. Johnston	Punjab (Buildings and Roads Branch).
Mr. R. S. S. Treanor	Punjab (Buildings and Roads Branch).
Mr. W. S. Tinsley	Punjab (Irrigation Branch).
Mr. A. M. R. Montague	Punjab (Irrigation Branch).
Mr. H. E. Carrick	Punjab (Irrigation Branch).
Mr. Moung Aye Moung	Burma.
Mr. G. Stevenson	Bihar and Orissa.
Mr. Ratan Dhunjibhoy Ratnagar	Central Provinces.
Mr. C. H. Bradbury	Central Provinces.
Mr. F. C. Gage	Central Provinces.
Mr. A. A. Barnard	Assam.

**No. 32.**—Mr. G. L. Searight, Superintending Engineer, 1st class, Bihar and Orissa, is appointed to officiate as a Chief Engineer with effect from the afternoon of the 24th October 1914, and until further orders.

*The 5th November 1914.*

**No. 33.**—The services of the undermentioned Royal Engineer Officers of the Public Works Department are replaced temporarily at the disposal of His Excellency the Commander-in-Chief :—

Majors H. W. Rushton, F. M. Westropp, L. W. S. Oldham, A. ff. Garrett and A. S. Holme; Captains H. deL. Pollard-Lowsley, V. Giles, P. G. H. Hogg, B. C. Battye, W. Garforth, W. H. Roberts, G. E. Sopwith, C. H. R. Chesney, J. A. Graeme, H. C. Pollock and W. de H. Haig and Lieutenants F. H. E. Townshend, D. S. Johnston, N. T. Fitzpatrick and M. Everett.

R. P. RUSSELL,

*Secretary to the Government of India.*

## FOREIGN AND POLITICAL DEPARTMENT.

## NOTIFICATIONS.

*Delhi, the 2nd November 1914.*

**No. 812-W.**—The following public announcement is published for general information :—

In view of the outbreak of war between Great Britain and Turkey, which to the regret of Great Britain has been brought about by the ill-advised, unprovoked and deliberate action of the Ottoman Government, His Excellency the Viceroy is authorised by His Majesty's Government to make the following public announcement in regard to the Holy Places of Arabia including the Holy Shrines of Mesopotamia and the port of Jeddah, in order that there may be no misunderstanding on the part of His Majesty's most loyal Moslem subjects as to the attitude of His Majesty's Government in this war in which no question of a religious character is involved. These Holy Places and Jeddah will be immune from attack or molestation by the British Naval and Military Forces so long as there is no interference with pilgrims from India to the Holy Places and Shrines in question. At the request of His Majesty's Government, the Governments of France and Russia have given them similar assurances.

A. H. GRANT,

*Secretary to the Government of India.**Delhi, the 3rd November 1914.*

**No. 820-W.**—The following statement, which was published in London on the 1st November 1914, by His Majesty's Principal Secretary of State for Foreign Affairs, dated the 31st October 1914, is republished for general information :—

At the beginning of the war the British Government gave definite assurances that if Turkey remained neutral her independence and integrity would be respected during the war and in the settlement of the terms of peace. In this France and Russia concurred. The British Government have since then endeavoured with the greatest patience and forbearance to preserve friendly relations in spite of the increasing breaches of neutrality on the part of the Turkish Government at Constantinople in the case of the German vessels in the Straits. On Friday, the 30th of October 1914, the British Government learnt with the utmost regret that the Turkish ships of war had, without any declaration of war, without warning and without provocation of any sort, made wanton attacks on the open undefended towns in the Black Sea of a friendly country, thus committing an unprecedented violation of the most ordinary rules of international law, comity and usage. Ever since the German men-of-war, the *Goeben* and *Breslau*, took refuge at Constantinople, the attitude of the Turkish Government towards Great Britain has caused surprise and some uneasiness. Promises made by the Turkish Government to send away the German officers and crews of the *Goeben* and *Breslau* have never been fulfilled. It was well known that the Turkish Minister of War was decidedly pro-German in his sympathies, but it was confidently hoped that the saner counsels of their colleagues, who had had experience of the friendship which Great Britain has always shown towards the Turkish Government, would have prevailed and prevented that Government from entering upon the very risky policy of taking a part in the conflict on the side of Germany. Since the war German officers in large numbers have invaded Constantinople, have usurped the authority of the Government and have been able to coerce the Sultan's Ministers to take up a policy of aggression. Great Britain, as well as France and Russia, has watched these proceedings patiently, protesting against the many acts which have been constantly committed contrary to neutrality, and warning the Government of the Sultan against the danger in which they were placing the future of the Ottoman Empire. Vigorously assisted by the Ambassadors of Germany and Austria, the German military elements at Constantinople have been persistently doing their utmost to force Turkey into war, both by their activities in the service of the Turks and by the bribes with which they have been so lavish. The Minister of War, with his German Advisers, has lately prepared an armed force for an attack on Egypt. The Mosul and Damascus Army Corps have, since their mobilisation, been constantly sending troops south, preparatory to an invasion of Egypt and the Suez Canal, from Akaba and Gaza. A large body of Bedouin Arabs has been called out and armed to assist in this venture and some of these have crossed the Sinai frontier. Transport has been collected, roads have been prepared up to the frontier of Egypt, and mines have been despatched to be laid in the Gulf of Akaba. The notorious Sheikh Aziz Shawish has published and disseminated through Syria, and probably India, an inflammatory document urging Muhammadans to fight against Great Britain. Doctor Prueffer, who was so long engaged in intrigues at Cairo against the British occupation and is now attached to the German Embassy at Constantinople, has been busily occupied in Syria trying to incite the people to take part in this conflict. Aggressive action was certain to be the result of the activity of the numerous German officers employed in the Turkish Army and acting under the orders of the German Government who have thus succeeded in forcing the

hands of the Advisors of the Sultan. German intrigue cannot influence the loyalty to Great Britain of the seventy millions of Muhammadans in India and the feeling of the Muhammadan inhabitants of Egypt. They must look with detestation on the misguided action, under foreign influence at Constantinople, which will inevitably lead to the disintegration of the Turkish Empire and which shows such forgetfulness of the many occasions on which Great Britain has shown friendship to Turkey. They must feel bitterly the degeneration of their co-religionists who ought not to have thus been dominated against their will by German influences, and many of them realise that, when Turkey is pushed into war by Germany, they must dissociate themselves from a course of action that is so prejudicial to the position of Turkey itself. The Turkish Government summarily and without notice on Friday shut off telegraphic communication with the British Embassy at Constantinople. This is no doubt the prelude to further acts of aggression on her part and the British Government must take whatever action is required to protect British interests in British territory and also Egypt from attacks that have been made and are threatened.

*The 5th November 1914.*

**No. 17-D.**—The services of the following officers of the Political Department of the Government of India are placed temporarily at the disposal of His Excellency the Commander-in-Chief in India:—

Major R. A. Lyall.  
 Captain R. A. Yule.  
     D. G. Wilson.  
     D. R. G. Oliver.  
     A. J. H. Grey.  
     M. E. Rae.  
     C. W. Prescott.  
     D. M. Field.  
     C. T. C. Plowden.  
     J. L. R. Weir.  
     R. J. Macnabb.  
     H. C. Finnis.  
     E. J. D. Colvin.  
     P. G. Loch.  
 Lieutenant J. W. Thomson-Glover.

**No. 21-D.**—The Hon'ble Mr. S. M. Fraser, C.S.I., C.I.E., a Resident of the 1st Class, is granted privilege leave for three months, with effect from the 29th October 1914.

**No. 24-D.**—Captain W. H. I. Shakespear, of the Political Department, on recall from leave, is placed on special duty under the orders of the Political Resident in the Persian Gulf, with effect from the 10th October 1914.

**No. 28-D.**—Captain C. T. Daukes, of the Political Department, is granted privilege leave for three months combined with furlough for three months, with effect from the 26th October 1914, under Articles 233 and 308(b), Civil Service Regulations.

**No. 29-D.**—Captain D. R. G. Oliver, of the Political Department, is posted as Assistant Political Agent, Chilas, with effect from the 26th October 1914.

**No. 35-D.**—Lieutenant-Colonel Sir P. Z. Cox, K.C.I.E., C.S.I., a Resident of the 2nd Class, resumed charge of his duties as Political Resident in the Persian Gulf, with effect from the 1st November 1914.

**No. 36-D.**—Lieutenant-Colonel S. G. Knox, C.I.E., of the Political Department, is placed on special duty under the orders of the Political Resident in the Persian Gulf, with effect from the 1st November 1914.

**No. 39-D.**—Lieutenant-Colonel J. F. Whyte, of the Political Department, on return from leave, is posted as Additional Divisional and Sessions Judge, Peshawar, with effect from the 15th October 1914.

**No. 48-D.**—The combined leave for six months and two days granted to Mr. H. N. Bolton of the Political Department in notification No. 841-Est. A., dated the 29th April 1914, is hereby extended by four days.



*Simla, the 2nd November 1914.*

**No. 2789-Est. A.**—Captain W. A. Garstin, of the Political Department, is posted as Assistant Commissioner, Tank, with effect from the 9th October 1914.

**No. 2790-Est. A.**—Captain G. F. W. Anson, of the Political Department, is posted as Assistant Commissioner, Nowshera, with effect from the 9th October 1914.

**No. 2794-Est. A.**—Mr. C. C. H. Twiss, Officiating Vice-Principal of the Mayo College, Ajmer, is granted furlough for one year, with effect from the 2nd October 1914, under Article 308(b) of the Civil Service Regulations.

**No. 2795-Est. A.**—Mr. W. Fanshawe, Assistant Master in the Mayo College, Ajmer, is appointed to officiate as Vice-Principal of the College, with effect from the 2nd October 1914, and until further orders.

**No. 2376-I. C.**—*Erratum.*—In the notification of the Government of India in the Foreign and Political Department, No. 1006-I. C., dated the 22nd June 1914, for the words "M. R. Ry. Krishna Ayyangar Srinivasa Ayyangar Avargal" read "M. R. Ry. Kuppam Ayyangar Srinivasa Ayyangar Avargal."

*The 4th November 1914.*

**No. 2825-Est. B.**—Lieutenant H. A. Goldsmith, 95th Russell's Infantry, Officiating Inspecting Officer, Rajputana and Central India States Imperial Service Infantry, is appointed to officiate as Inspector of Signalling, Imperial Service Troops, in addition to his own duties, with effect from the 30th October 1914, and during the absence on field service of Captain H. St. G. S. Scott, 2nd/4th Gurkha Rifles, or until further orders.

**No. 2835-Est. B.**—Captain H. Campbell, M.V.O., Queen Victoria's Own Corps of Guides (F. F.), is appointed Inspecting Officer, Imperial Service Camel Corps, with effect from the 15th October 1914.

**No. 2836-Est. B.**—Major G. R. D. Churchill, 19th Punjabis, is appointed to officiate as Inspecting Officer, Imperial Service Camel Corps, with effect from the 15th October 1914, and during the absence on field service of Captain H. Campbell, M.V.O., Queen Victoria's Own Corps of Guides (F. F.), or until further orders.

J. B. WOOD,

*Secretary to the Government of India.*

## FINANCE DEPARTMENT.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Delhi, the 6th November 1914.*

**No. 1412-F. E.**—Captain H. B. Drake, I.M.S., was posted as Deputy Assay Master, Bombay, with effect from the 5th September 1914, and his services have since been temporarily replaced at the disposal of His Excellency the Commander-in-Chief in India with effect from the 28th October 1914 and until further orders.

Lieutenant-Colonel J. J. Bourke, I.M.S., was posted as Assay Master, Calcutta, with effect from the 10th September 1914.

Lieutenant-Colonel F. T. C. Hughes, I.A., was posted as Deputy Assay Master, Calcutta, with effect from the 10th September 1914.

Captain G. H. Willis, R.E., was appointed to officiate as Mint Master, Calcutta, with effect from the 5th October 1914.

Captain H. J. K. Wallis, I.A., has been placed on special duty in the Assay Department, Calcutta, with effect from the 5th October 1914 and until further orders.

*Delhi, the 4th November 1914.*

**No. 1414-F. E.**—Mr. M. F. Gauntlett, I.C.S., has been granted privilege leave for 2 months and 25 days and, in continuation, special leave on urgent private affairs for 3 months and 6 days, with effect from the 29th October 1914.

Mr. R. A. Gamble, I.C.S., has been appointed substantively as Comptroller and Auditor General, with effect from the 29th October 1914.

*The 5th November 1914.*

**No. 1420-F. E.**—Mr. C. W. Lauder, Chief Superintendent, has been posted as Currency Officer, Karachi, with effect from the 24th September 1914.

**No. 1421-F. E.**—Mr. S. C. Tomkins has been posted to the office of the Chief Examiner of Accounts, North Western Railway, with effect from the forenoon of the 19th October 1914.

**No. 1422-F. E.**—Mr. N. B. Deane has been posted as Assistant Accountant General, Bihar and Orissa, with effect from the 12th October 1914.

**No. 1423-F. E.**—With effect from the 1st October 1914, Mr. H. R. Jones, Chief Superintendent, Class II, is promoted substantively to Class I.

*The 6th November 1914.*

**No. 7.—Accounts Camp.**—The following sub. *pro tem.* promotions of officers of the Military Accounts Department are made in the room of officers who have proceeded on Field Service:—

Name.	From	To	REMARKS.
Lieutenant-Colonel C. N. Baker	Military Accountant, 1st class.	Deputy Military Accountant General sub. <i>pro tem.</i>	From 24th August 1914.
Major E. H. Payne	Military Accountant, 2nd class.	Military Accountant, 1st class, sub. <i>pro tem.</i>	From 14th September 1914.
Major H. G. W. Chandler	Military Accountant, 2nd class.	Military Accountant, 1st class, sub. <i>pro tem.</i>	From 9th September 1914, to 13th September 1914.
Major J. H. Hudson	Military Accountant, 2nd class.	Military Accountant, 1st class, sub. <i>pro tem.</i>	From 24th August 1914 to 8th September 1914.
Major D. A. E. Will	Military Accountant, 3rd class.	Military Accountant, 2nd class, sub. <i>pro tem.</i>	From 8th September 1914.
Major B. H. E. Pennell	Military Accountant, 3rd class.	Military Accountant, 2nd class, sub. <i>pro tem.</i>	From 7th September 1914.
Major R. deS. Dudgeon	Military Accountant, 3rd class.	Military Accountant, 2nd class, sub. <i>pro tem.</i>	From 11th September 1914.
Major E. B. Peacock	Military Accountant, 3rd class.	Military Accountant, 2nd class, sub. <i>pro tem.</i>	From 24th August 1914 to 10th September 1914.
Major A. W. Daldy	Military Accountant, 3rd class.	Military Accountant, 2nd class, sub. <i>pro tem.</i>	From 28th August 1914 to 7th September 1914.
Major K. H. Jackson	Military Accountant, 4th class.	Military Accountant, 3rd class, sub. <i>pro tem.</i>	From 24th August 1914 to 1st September 1914, and from 7th September 1914.
		Military Accountant, 2nd class, sub. <i>pro tem.</i>	From 2nd September 1914, to 6th September 1914.
Major M. E. L. Bruce	Military Accountant, 4th class.	Military Accountant, 3rd class, sub. <i>pro tem.</i>	From 28th August 1914.
Major E. G. D. deLabilliere	Military Accountant, 4th class.	Military Accountant, 3rd class, sub. <i>pro tem.</i>	From 2nd September 1914,
Captain W. V. Richards	Assistant Military Accountant, 1st class.	Military Accountant, 4th class, sub. <i>pro tem.</i>	From 2nd September 1914, to 6th September 1914.

**No. 1435-F. E.**—In partial modification of notification No. 190-F. E., dated the 11th February 1914, the following grade promotion in the Indian Finance Department is notified.

With effect from the 8th September 1913.

Mr. C. W. C. Carson to officiate in Class I of the General List.

**No. 1436-F. E.**—Mr. N. Vijaya Raghavan has been appointed Additional Assistant Secretary in the Government of India, Finance Department Secretariat, with effect from the 2nd November 1914.

**No. 1446-F. E.**—Mr. S. C. Bhattacharjee, a Superintendent in the office of the Accountant General, Burma, has been appointed to officiate as a Chief Superintendent, Class II, in that office with effect from the 17th October 1914 and until further orders.

**No. 1447-F. E.**—Mr. G. H. B. Fell, C.I.E., I.C.S., has been appointed Deputy Secretary to the Government of India in the Finance Department, with effect from the 2nd November 1914.

J. B. BRUNYATE,

*Secretary to the Government of India.*

## DEPARTMENT OF COMMERCE AND INDUSTRY.

### NOTIFICATIONS.

#### COMMERCE AND TRADE.

*Delhi, the 7th November 1914.*

**No. 556-W.**—In modification of the notification in this Department No. 419-W.—Commerce and Trade, dated 31st October 1914, the following Royal Proclamation is republished for general information :—

#### BY THE KING.

#### A PROCLAMATION.

#### RELATING TO TRADING WITH THE ENEMY.

GEORGE R. I.

WHEREAS it is desirable to amend Our Proclamation of the 9th September, 1914, called "The Trading with the Enemy Proclamation, No. 2" :

Now, Therefore, We have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation declaring and it is hereby declared as follows :—

1. Paragraph 5, heading (i), of the Trading with the Enemy Proclamation, No. 2, is hereby revoked and in lieu thereof the following heading shall be inserted in the said Paragraph 5 as from the date hereof :—

- (6) "Not to make or enter into any new marine, life, fire or other policy or contract of insurance (including re-insurance) with or for the benefit of an enemy ; nor to accept, or give effect to any insurance of, any risk arising under any policy or contract of insurance (including re-insurance) made or entered into with or for the benefit of an enemy before the outbreak of war ; and in particular as regards Treaties or Contracts of re-insurance current at the outbreak of war to which an enemy is a party or in which an enemy is interested not to cede to the enemy or to accept from the enemy under any such Treaty or Contract any risk arising under any policy or contract of insurance (including re-insurance) made or entered into after the outbreak of war, or any share in any such risk."

2.—(1) The expression "Order of Council made and published on the recommendation of a Secretary of State" in Paragraph 5, heading (10), of the Trading with the Enemy Proclamation, No. 2, shall, as regards persons resident carrying on business or being in Our Dominions beyond the Seas, be taken to mean an Order of the Governor in Council published in the Official Gazette.

(2) The expression "Governor in Council" in this Paragraph means as respects Canada the Governor-General of Canada in Council, as respects India the Governor-General of India in Council, as respects Australia the Governor-General of Australia in Council, as respects New Zealand the Governor of New Zealand in Council, as respects the Union of South Africa the Governor-General of the Union of South Africa in Council, as respects Newfoundland the Governor of Newfoundland in Council, and as respects any other British Possession the Governor of that Possession in Council.

3. The power to grant licences on Our behalf vested by Paragraph 8 of the Trading with the Enemy Proclamation, No. 2, in a Secretary of State may be exercised in Canada, India, Australia and the Union of South Africa by the Governor-General, and in any British Possession not included within the limits of Canada, India, Australia or South Africa by the Governor.

4. In this Proclamation the expression "Governor-General" includes any person who for the time being has the powers of the Governor-General, and the expression "Governor" includes the Officer for the time being administering the Government.

5. Notwithstanding anything contained in paragraph 6 of the Trading with the Enemy Proclamation, No. 2, where an enemy has a branch locally situated in British, allied or neutral, territory, which carries on the business of insurance or re-insurance of whatever nature, transactions by or with such branch in respect of the business of insurance or re-insurance shall be considered as transactions by or with an enemy.

6. This Proclamation shall be read as one with the Trading with the Enemy Proclamation, No. 2.

Given at Our Court at Buckingham Palace, this Eighth day of October, in the year of our Lord one thousand nine hundred and fourteen, and in the Fifth year of Our Reign.

GOD SAVE THE KING.

#### CUSTOMS.

*The 7th November 1914.*

**No. 554-W.**—The following Order in Council is republished for general information :—

AT THE COUNCIL CHAMBER, WHITEHALL,

THE 6TH DAY OF OCTOBER 1914.

By the Lords of His Majesty's Most Honourable Privy Council.

WHEREAS it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an Order made by the Lords of the Council on the recommendation of the Board of Trade.

And whereas there was this day read at the Board a recommendation from the Board of Trade in the following words :—

(1) That the exportation of—

Flaxen canvas, namely :—

Royal Navy Canvas ;

Merchant Navy Canvas ;

Kitbag Canvas ;

Hammock Canvas ;

Linen Duck Cloth ;

Linen close canvas ;

Jute, raw ;



should be prohibited to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of Russia (except Baltic ports), Belgium, France, Spain, and Portugal.

(2) That the heading "Glacial acetic acid" should be deleted from the list of prohibitions contained in paragraph 6 of the Order of Council of the 8th September 1914

(3) That there should be added to the list of prohibitions of export to all destinations—

Hemp cordage and twine, not including cordage or twine of manila hemp or reaper or binder twine;

Blankets, coloured, exceeding 3½ lbs. in weight, known as "woollen" blankets;

Hides of all kinds, dry or wet;

Pig-skins, raw or dressed;

Leather, undressed or dressed, suitable for saddlery, harness, or military boots;

Sheep and lambs' wool, raw.

NOW, THEREFORE, Their Lordships having taken the said recommendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

## COMMERCE AND TRADE.

*The 7th November 1914.*

**No. 579.**—With reference to the Notification in this Department No. 10213, dated the 26th September 1914, it is hereby notified that a further Royal Proclamation was issued on the 29th October 1914, revising the lists of articles to be treated as "Absolute" and "Conditional" contraband as shown below:—

### SCHEDULE I.

#### *Absolute Contraband.*

Add to the list of articles:—

Sulphuric acid,

Range finders and their distinctive component parts,

Hæmatite iron ore and hæmatite pig iron,

Iron pyrites,

Nickel ore and nickel,

Ferrochrome and chrome ore,

Copper unwrought,

Lead pig, sheet or pipe,

Aluminium,

Ferrosilica,

Barbed wire and implements for fixing and cutting the same,

Motor vehicles of all kinds and their component parts,

Motor tyres,

Rubber,

Mineral oils and motor spirit except lubricating oils.

### SCHEDULE II.

#### *Conditional Contraband.*

Add to the list of articles:—

Sulphur,

For "Forage and grain suitable for feeding animals" substitute "Forage and feeding stuffs for animals."

For "Hides and skins raw or rough tanned (but not including dressed leather)" substitute "Hides of all kinds dry or wet; pigskins raw or dressed; leather undressed or dressed suitable for saddlery, harness or military boots."

After "Vehicles of all kinds" insert " (other than motor vehicles) "

After "Fuel" insert " (other than mineral oils)."

Omit "Magnetic Iron ore" and the articles abovementioned which have been transferred to Schedule I.

## CUSTOMS ESTABLISHMENTS.

*Delhi, the 7th November 1914.*

**No. 12303-2.**—The following reversions of officers in the Imperial Customs Service are notified, with effect from the 22nd October 1914:—

Name.	From	To
Mr. E. G. L. Laird-MacGregor, I.C.S.	Collector, Class II, officiating	Collector, Class III, substantive
Mr. A. H. Lloyd, I.C.S.	Collector, Class III, officiating	Assistant Collector, substantive

## MERCHANT SHIPPING.

*The 7th November 1914.*

**No. 587-W.**—The following notice to Mariners No. 1690 of 1914, issued by the Admiralty is published for general information:—

“All traffic into and out of the River Thames must pass through the Edinburgh Channels or through the black deep south of the Knock John and Knob light buoys and through the Oaze deep until further notice.

No vessels are to remain under way in the abovementioned channels inside the sunk head light buoy or within a line joining the south long sand and East Shingles buoys between the hours of 7 P. M. and 6 A. M.

Vessels at anchor within these limits must not exhibit any lights between the hours of 7 P. M. and 6 A. M.

All other channels are closed to navigation.”

## POST AND TELEGRAPH ESTABLISHMENTS.

*The 7th November 1914.*

**No. 569.**—Mr. R. T. Gibbs, Director of Telegraphs, is permitted to retire from the service of Government, with effect from the 3rd November 1914.

## TELEGRAPHS.

*The 3rd November 1914.*

**No. 12381.**—In supersession of the Notification in this Department, No 6992, dated the 8th August 1914, the following Notification is published for general information:—

“His Britannic Majesty's Government find themselves under the necessity of availing themselves of the power reserved under Article 8 of the International Telegraph Convention and Article 17 of the International Radio-Telegraph Convention to suspend the transmission of telegrams and radio-telegrams to, and from, or in transit through, the United Kingdom, and to, and from, or in transit through, all British possessions and all British Protectorates whatsoever, save and except such telegrams and radio-telegrams as are on the service of His Majesty's Government or of the Government of any British Possession or Protectorate.

“With a view, however, to minimise inconvenience to the public, His Britannic Majesty's Government will, until further notice, and as an act of grace, permit the transmission of such telegrams in plain language as Foreign Governments or the public choose to send, *except telegrams on the service of the German, Austrian and Turkish Governments, or to, or from, Germany, Austro-Hungary or Turkey and their Colonies or Possessions* provided that such telegrams are written in English or French, and on the understanding that they are accepted at the senders's risk and subject to censorship by the British authorities; that is, that they may be stopped, delayed, or otherwise dealt with, in all respects, at the discretion of those authorities and without notice to the senders; and that no claims in respect of them, whether for the reimbursement of the sums paid for transmission or otherwise, will be considered by His Majesty's Government in any circumstances whatever. It is, moreover, essential that such telegrams should bear the sender's name at the end of the text, otherwise they are liable to be stopped until the name is notified by paid telegram. Registered abbreviated addresses will not be accepted, either as addresses or as the names of senders.”

*Note*—The term “telegram” is applied to radio-telegraph messages sent from shore to shore, as well as to those sent by cable or land line.

R. E. ENTHOVEN,

*Secretary to the Government of India.*

**ARMY DEPARTMENT.***Delhi, the 6th November 1914.***APPOINTMENTS.**

**No. 986.**—The undermentioned Warrant and Non-commissioned officers to be Second Lieutenants ; subject to His Majesty's approval :—

*The 7th November 1914.**21st (Empress of India's) Lancers.*

Corporal Edward John Murphy, from the 6th (Inniskilling) Dragoons.

*The Northumberland Fusiliers.*

Serjeant-Major George Cooper.

*The Royal Fusiliers.*

Serjeant Samuel Winslade.

*The King's (Liverpool Regiment).*

Serjeant George Walter Holland, from the 1st Battalion, South Lancashire Regiment.

Serjeant John Collins, from the 1st Battalion, West Riding Regiment.

Corporal Charles Edwin Kent, from the 2nd Battalion, North Staffordshire Regiment.

Lance-Corporal Thomas Henry Parkin, from the 18th Hussars.

Lance-Corporal Harold Richardson, from the 2nd Battalion, Somerset Light Infantry.

*Prince Albert's (Somerset Light Infantry).*

Corporal Cecil Edward Elford, from the 2nd Battalion, Norfolk Regiment.

Corporal Albert Richard Street, from the 3rd Battalion, Royal Fusiliers.

Lance-Corporal James Cunningham, from the 2nd Battalion, Royal Fusiliers.

*Alexandra, Princess of Wales's Own (Yorkshire Regiment).*

Serjeant Harry Ebourne, from the 1st Battalion, King's Own Scottish Borderers.

Serjeant Victor John Barber, from the 2nd Battalion, Norfolk Regiment.

Corporal Walter Derham, from the 2nd Battalion, North Staffordshire Regiment.

Corporal Frank McGovern, from the 1st Battalion, West Riding Regiment.

*The Duke of Wellington's (West Riding Regiment).*

Serjeant William George Baker, from the 1st Battalion, Welsh Regiment.

Corporal Charles Wheeler, from the 2nd Battalion, Norfolk Regiment.

Corporal Charles Rowland, from the 1st Battalion, King's Own Scottish Borderers.

Corporal Henry Stephen Sampson, from the 2nd Battalion, North Staffordshire Regiment.

Lance-Corporal Alfred James Hazell, from the 2nd Battalion, Dorsetshire Regiment.

*The Royal Sussex Regiment.*

Serjeant William Guthrie, from the 1st Battalion, King's Own Scottish Borderers.

Corporal Joseph Edwin Calver, from the 2nd Battalion, Norfolk Regiment.

Lance-Corporal Alfred Price, from the 2nd Battalion, Dorsetshire Regiment.

*The Dorsetshire Regiment.*

Quartermaster-Serjeant William George Mitchell, from the 1st Battalion, South Lancashire Regiment.

*The Prince of Wales's Volunteers (South Lancashire Regiment).*

Serjeant-Major Leopold Duffy.

Quartermaster-Serjeant Albert Earle.

Colour-Serjeant Albert Pearce, from the 2nd Battalion, Northumberland Fusiliers.

Corporal Leslie Horsley Curry, from the 2nd Battalion, Norfolk Regiment.

*The Loyal North Lancashire Regiment.*

Colour-Serjeant Charles Crosby, from the 1st Battalion, South Lancashire Regiment.

*The Queen's Own (Royal West Kent) Regiment.*

Quartermaster-Serjeant William Edwin Jenkins, from the 2nd Battalion, Northumberland Fusiliers.

*The Prince of Wales's (North Staffordshire) Regiment.*

Lance-Corporal Bertram Douglas Cox, from the 1st Battalion, King's Own Scottish Borderers.

## ORDNANCE DEPARTMENT.

**No. 987.**—The Governor-General in Council is pleased to gazette the appointment of the undermentioned officer :—

Mr. Alexander Forrest Wylie, Civil Engineer, Assistant to the Director of Ordnance Factories.

## INDIAN ARMY.

## ARMY RESERVES.

**No. 988.**—The following appointments are made :—

Leonard Lachlan Porter to be Captain in the Cavalry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 6th November 1914.

Frances Samuel O'Donnell Forster to be Second Lieutenant in the Cavalry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 6th November 1914.

Clive LeMesurier to be Second Lieutenant in the Cavalry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 6th November 1914.

Edward Phillip Compton Collin to be Second Lieutenant in the Cavalry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated 6th November 1914.

Terence Guy LeEstrange Grant to be Second Lieutenant in the Infantry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated 6th November 1914.

John Charles Levett-Yeats to be Second Lieutenant in the Infantry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 6th November 1914.

Mathew Leo Brien Patrick O'Dea to be Second Lieutenant in the Infantry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 6th November 1914.

Claude Albany Keatinge to be Second Lieutenant in the Infantry Branch of the Indian Army Reserve of Officers, subject to His Majesty's approval. Dated the 6th November 1914.

## LONDON GAZETTE.

**No. 989.**—The following extracts are published for general information :—

*'London Gazette,' dated the 6th October 1914, page 7919.*

\* \* \* \* \*

War Office,  
6th October 1914.

## REGULAR FORCES.

*Infantry.*

\* \* \* \* \*

*Service Battalions.*

The undermentioned officers to command Battalions of the New Army :—

Dated 1st October 1914.

*The King's Own (Royal Lancaster Regiment)*, Lieutenant-Colonel George W. C. Knatchbull, Indian Army, 6th (Service) Battalion, *vice* H. P. Creagh-Osborne.

\* \* \* \* \*

*The Rifle Brigade (The Prince Consort's Own)*, Major William D. Villiers-Stuart, Indian Army, 9th (Service) Battalion, *vice* Lieutenant-Colonel A. Grant, and to be temporary Lieutenant-Colonel.

\* \* \* \* \*

'London Gazette,' dated the 7th October 1914, pages 8001 and 8005.

War Office,

7th October 1914.

## REGULAR FORCES.

*Commands and Staff.*

The undermentioned appointments are made :—

\* \* \* \* \*

## SPECIAL APPOINTMENT.

Lieutenant-General Sir Edward Locke Elliott, K.C.B., D.S.O., retired pay, Indian Army  
Dated 30th September 1914.

\* \* \* \* \*

## TERRITORIAL FORCE.

*Yeomanry.*

\* \* \* \* \*

*Scottish Horse* ; Major George Rainier deHeriez Smith (late Indian Army) to be Major. Dated 8th October 1914.

\* \* \* \* \*

"London Gazette," dated the 9th October 1914, pages 8039 and 8041.

\* \* \* \* \*

War Office,

9th October 1914.

## REGULAR FORCES.

## COMMANDS AND STAFF.

The undermentioned appointments are made :—

## PERSONAL STAFF.

*Aides-de-Camp—*

Major Francis G. Cardew, late Indian Army. Dated 8th August 1914.

\* \* \* \* \*



## Assistant Quartermaster-General—

Colonel W. F. Cahusac, retired pay, Indian Army. Dated 23rd September 1914.

\* \* \* \* \*

## SPECIAL APPOINTMENTS.

\* \* \* \* \*

(Graded for purposes of pay as Staff Lieutenants.)

\* \* \* \* \*

Dated 30th September 1914.

Brevet-Colonel C. B. Brownlow, retired pay.

\* \* \* \* \*

## MEMORANDUM.

Colonel (temporary Brigadier-General) A. E. Aitken, Indian Army, to be temporary Major-General. Dated 10th October 1914.

\* \* \* \* \*

## PROMOTIONS.

## INDIAN MEDICAL SERVICE.

**No. 990.**—The following promotions are made, subject to His Majesty's approval :—*Captains to be Majors.*

William Samuel Jagoe Shaw, M.D.,	} 31st July 1914.
Dwarka Prasad Goil, M.B., F.R.C.S.E.,	

## INDIAN SUBORDINATE MEDICAL DEPARTMENT.

## SUB-ASSISTANT SURGEON BRANCH.

*Madras Establishment.***No. 991.**—No. 1212, 1st Class Sub-Assistant Surgeon M. Srinivasulu Nayudu, to be Senior Sub-Assistant Surgeon, 2nd Class, ranking as Jemadar ;*vice* 2nd Class Senior Sub-Assistant Surgeon, ranking as Jemadar, C. Sadasiva Mudali, invalided ; with effect from the 15th October 1914.*Bombay Establishment.***No. 992.**—No. 168, 1st Class Sub-Assistant Surgeon, Bal-Krishna-Dadaji, to be Senior Sub-Assistant Surgeon, 2nd Class, ranking as Jemadar,*vice* 2nd Class Senior Sub-Assistant Surgeon, ranking as Jemadar, Krishna Hari deceased ; with effect from the 15th October 1914.

## RESIGNATIONS.

**No. 993.**—Lieutenant G. K. Molineux, Northumberland Fusiliers, is permitted to resign his appointment as Aide-de-Camp on the Staff of His Excellency the Viceroy, with effect from the 26th October 1914.

## VOLUNTEER CORPS.

## APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

*Malabar Volunteer Rifles.*

**No. 994.**—Major (Honorary Lieutenant-Colonel) William Chamier, V.D., to be Commandant with the rank of Lieutenant-Colonel, *vice* J. G. Ferguson, V.D., retired. Dated the 4th August 1914.

W. R. BIRDWOOD, *Major-General,*  
*Secretary to the Government of India.*

## ARMY DEPARTMENT.

## NOTIFICATION.

*The 6th November 1914.*

Under Clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that reports of the deaths of the undermentioned Commissioned Officers on the dates specified, were received in the Army Department between the 28th October and 3rd November 1914.

Corps.	Rank and name.	Date of Decease.	Place of Decease.	REMARKS.
59th Scinde Rifles Frontier Force).	Captain Walter Falconer Scott.	Between 24th and 26th October 1914.	France	Killed in action.
29th Duke of Connaught's Own Baluchis.	Captain Percival Campbell Hampe-Vincent.	26th October 1914.	Do.	Died of wounds.
9th Bhopal Infantry .	Lieutenant-Colonel Henry Lawrence Anderson.	29th October 1914.	Do.	Was 2nd in-Command. Died of wounds.

W. R. BIRDWOOD, *Major-General,*  
*Secretary to the Government of India.*

## MARINE DEPARTMENT.

*Delhi, the 6th November 1914.*

## APPOINTMENTS.

**No. 88.**—The following appointment is made in the Royal Indian Marine by the Most Hon'ble the Secretary of State for India; with effect from the 28th March 1914 :—

*To be Sub-Lieutenant.*

Frederick William Angell.

W. R. BIRDWOOD, *Major-General,*  
*Secretary to the Government of India.*

**RAILWAY DEPARTMENT.**

(RAILWAY BOARD.)

## NOTIFICATIONS.

*Simla, the 3rd November 1914.*

**No. 303.**—Mr. C. D. Dove Wilson, Government Inspector of Railways, Circle No. 4, is transferred to the North Western Railway, as Deputy Engineer-in-Chief.

**No. 304.**—With reference to Notification No. 303, dated 3rd November 1914, Colonel E. W. Walton, Chief Engineer, on special duty with the Railway Board is appointed Government Inspector of Railways, Circle No. 4.

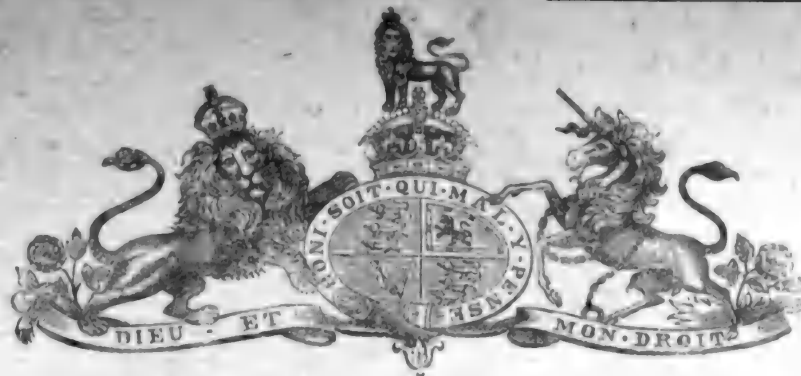
*The 5th November 1914.*

**No. 305.**—It is hereby notified for general information that the Railway Board have sanctioned a reconnaissance survey being carried out by the agency of Messrs. Ewing and Company of Calcutta for light railways in the southern portion of the Dacca district.

2. The survey will be known as the Dacca district light railways reconnaissance survey.

**No. 306.**—With reference to Railway Board's Notification No. 158, dated the 5th June 1913, Mr. C. N. Parker, Officiating District Traffic Superintendent, Ondh and Rohilkhand Railway, reverted to his substantive appointment of Assistant Traffic Superintendent in Class III, grade 1, of the Superior Revenue Establishment of State Railways, with effect from the 17th September 1914.

T. RYAN,  
*Secretary, Railway Board.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 46.} DELHI, SATURDAY, NOVEMBER 14, 1914.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

Government of India Notifications, Appointments, Promotions, etc.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

#### PRIZE COURTS.

#### No. 55.

*Delhi, the 6th November 1914.*

The following Proclamation by His Excellency the Governor General, dated the 6th November, 1914, is hereby published for general information :—

#### PROCLAMATION.

In pursuance of Order XLVI of the Prize Court Rules, 1914, made by His Majesty's Order in Council dated the 5th day of August, 1914, and amended by His Majesty's Order in Council dated the 30th day of September, 1914, I hereby proclaim the said Rules as amended and direct that they shall come into operation from the date of this proclamation.

HARDINGE OF PENSHURST,

*Viceroy and Governor General.*

A. P. MUDDIMAN,

*Offg. Secretary to the Government of India*

( 1779 )

1 A

The rules referred to in the above Proclamation are published below for general information :—

## RULES AND ORDERS.

### ORDER I.

#### *Interpretation.*

1. In these Rules and the forms thereto annexed, unless the context otherwise requires, the following expressions shall have and include the meanings hereby assigned to them, that is to say :—

- “Captor” shall mean any person taking or seizing, or having taken or seized, any ship or goods as prize, and shall (for the purposes of proceedings in any cause or matter) include the captor’s solicitor (if any), or the proper officer of the Crown, and shall include re-captor ;
- “Capture” shall include recapture ;
- “Cause” shall mean any prize proceeding instituted by a writ ;
- “Claimant” shall mean any person who shall assert a claim to ship or goods taken or seized as prize, or to compensation, and shall (for the purposes of proceedings in any cause or matter) include the claimant’s solicitor (if any) ;
- “Consular officer” shall include consul-general, consul, vice-consul, consular agent, and any person for the time authorised to discharge the duties of consul-general, consul or vice-consul ;
- “Counsel” shall include any barrister-at-law, advocate, or other person entitled to practise and have audience in the Court ;
- “Court” shall mean the High Court acting in the exercise of prize jurisdiction, and any court in a British Possession duly authorised to exercise prize jurisdiction ;
- “Crown” shall include the Crown in its office of Admiralty ;
- “Defendant” shall (for the purposes of proceedings in any cause or matter) include the defendant’s solicitor (if any).
- “Judge” shall mean any Judge of the Court acting in the exercise of prize jurisdiction ;
- “Lords of the Admiralty” shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral ;
- “Marshal” shall mean the marshal of the Probate, Divorce, and Admiralty Division of the High Court, or of any court in a British Possession duly authorised to exercise prize jurisdiction, or such other officer as shall be appointed by such court to carry out the duties of the marshal under these Rules ;
- “Month” shall mean calendar month ;
- “Owner” shall include any person to whom by operation of law the property in a ship seized or taken as prize shall, in whole or part, have passed, and shall also include any person intervening in a cause on behalf of an owner, or intervening and claiming or alleging an interest in such ship ;



- "Party" shall (for the purposes of proceedings in any cause or matter) include the proper officer of the Crown and the party's solicitor (if any);
- "Person" shall include company and corporation and body politic;
- "Petitioner" shall (for the purposes of proceedings in any cause or matter) include the petitioner's solicitor (if any);
- "Plaintiff" shall (for the purposes of proceedings in any cause or matter) include the plaintiff's solicitor (if any);
- "President" shall mean the President of the Probate, Divorce, and Admiralty Division of the High Court or the principal Judge of a Court in a British Possession duly authorised to act as a Prize Court, as the case may be;
- "Proper officer of the Crown" shall mean the King's Proctor or other law officer or agent for the Crown authorised to conduct prize proceedings on behalf of the Crown within the jurisdiction of the Court;
- "Registrar" shall mean the Admiralty Registrar of the Probate, Divorce, and Admiralty Division of the High Court, or any assistant or deputy Admiralty Registrar thereof, or the Admiralty Registrar of any court in a British Possession duly authorised to exercise prize jurisdiction, or such other officer as shall be appointed by such court to carry out the duties of the Registrar under these Rules;
- "Registry" shall mean the Admiralty Registry of the Probate, Divorce, and Admiralty Division of the High Court, or of any court in a British Possession duly authorised to exercise prize jurisdiction.
- "Respondent" shall (for the purposes of proceedings in any cause or matter) include the respondent's solicitor (if any);
- "Ship of war" shall include armed ship.
- "Solicitor" shall mean any solicitor, attorney, or proctor entitled to practise in the Court, and the proper officer of the Crown;
2. Unless the contrary intention appears the provisions of these Rules relative to ships shall extend and apply, *mutatis mutandis*, to goods and to freight (if any) due or to grow due; and for such purpose the term "ship" when used in these Rules shall also mean "goods" and "freight."
3. Except where the contrary intention appears, words and expressions in these Rules shall have the same meaning as in the Naval Prize Acts.

## ORDER II.

### *Institution of Causes and Issue and Service of Writ.*

#### *(a) Institution of Causes.*

1. Every cause in matters of prize shall be instituted by a writ.
2. Causes shall be numbered in the order in which they are instituted, and the number given to any cause shall be the

distinguishing number of the cause, and shall be written or printed on all instruments and other documents in the cause as part of the title thereof, and the cause shall be entered in the minute book under such number.

Forms of the heading and title of a cause will be found in Appendix A, Nos. I (i. and ii.)

3. Every cause instituted for the condemnation of a ship as prize, including causes under Rule 6, shall, except as thereafter provided, be instituted in the name of the Crown; but the proceedings therein may, with the consent of the Crown (through the proper officer of the Crown), be conducted by the captors or any parties to whom the ship would on condemnation be condemned as prize.

All other causes may be instituted in the name of the parties claiming or proceeding.

(b) *Issue of Writs.*

4. Writs shall be issued out of the Registry.

5. A writ for the condemnation of a ship as prize shall be in the form No. 2 of Appendix A.

The writ shall be issued on the application of the proper officer of the Crown.

No writ for the condemnation of a ship as prize shall be issued until an affidavit has been filed as to ship papers.

6. Where the ship has been destroyed or lost, or where goods have been destroyed or lost or removed from the ship, the writ shall be in the form No. 3 of Appendix A.

7. In a cause instituted against a captor for restitution or damages the writ shall be in the form No. 4 of Appendix A.

8. A cause instituted for the recovery of prize salvage (except where the ship is brought in for adjudication) shall be commenced by writ in the form No. 5 of Appendix A.

9. In a cause instituted to enforce a claim of joint capture, the writ shall be in the form No. 6 of Appendix A.

(c) *Service of Writ.*

10. In a cause for the condemnation of a ship as prize, the writ shall be served by the marshal or his substitute.

11. Service of the writ shall be effected by affixing the original writ on a conspicuous part of the ship, and by leaving a true copy fixed in its place when the original is removed.

12. The writ shall be filed by the party after service as aforesaid, with a certificate of service endorsed thereon. The certificate of service shall state the date and mode of service, and shall be signed by the person serving the same, and shall be taken as evidence of such service and of the date and mode thereof.

13. Service of a writ in a cause instituted as in Rule 6 mentioned, shall be effected by the writ being filed in the Registry by the captor, and notice of the institution of the cause shall be given in such manner as the Judge may direct.

14. In a cause instituted as in Rule 7 and Rule 8 mentioned, the writ shall be served on the captors.

15. If it is made to appear to the Judge that service in the manner prescribed by these Rules is impracticable, the Judge may

make such order for substituted or other service, or for the substitution for service of notice by advertisement or otherwise as may seem just. Every application for substituted service or for the substitution of notice for service shall be supported by an affidavit setting forth the grounds upon which the application is made.

*(d) Service out of the jurisdiction.*

16. Service of a writ may, by leave of the Judge, be allowed out of the jurisdiction.

17. Application for leave to serve a writ out of the jurisdiction shall be upon affidavit, stating that in the belief of the deponent the applicant has good cause for proceeding, and showing in what place or country the person or ship to be served is or probably may be found, and the grounds upon which the application is made.

18. An order giving leave to effect service out of the jurisdiction shall limit a time after such service within which an appearance shall be entered.

19. Where the person to be served out of the jurisdiction is not a British subject, or the ship is not the property of a British subject, notice of the writ and not the writ itself shall be served. Notice in lieu of service shall be served in the manner in which a notice of a writ of summons is served according to the procedure for the time being in force in the High Court. A form of notice in lieu of service will be found in Appendix A, No. 7.

20. Where under the practice of the High Court notice of a writ is served through the diplomatic channel, the notice shall, if the writ is issued by the High Court, be transmitted to the Secretary of State for Foreign Affairs in accordance with such practice, and, if the writ is issued by a Prize Court in a British Possession, be transmitted through the chief executive authority to the Secretary of State for the Colonies, with a request for the further transmission of the same to the Government of the country in which service is to be effected.

*(e) General.*

21. A writ for condemnation and the fact of service thereof shall be advertised by the Registrar forthwith in one or more of such newspapers and on one or more occasions as he shall think proper.

22. Where a writ is issued on the application of an alien enemy an affidavit shortly stating the grounds of the claim must be filed in the Registry before the writ is issued.

23. Where a writ is issued in respect of a ship purporting to be neutral, notice of the institution of the cause shall be sent by the Registrar to the consular officer of the State to which the ship purports to belong.

ORDER III.

*Appearance and Claim.*

1. Any person, desiring to enter an appearance in a cause, shall

enter an appearance (Appendix A, Form No. 8) in the Registry within eight days after service of the writ, or may by leave of the Court do so at any time before final adjudication. He shall thereupon become a party to the cause.

2. A person, on entering an appearance, shall give notice thereof to the party issuing the writ.

3. Where a person has no usual residence or place of business within the jurisdiction, appearance may be entered for him by the master of the ship or by an agent duly authorised.

4. A party who has entered an appearance may make a claim in one of the forms marked No. 9 (i) to (vii) in Appendix A, with such variations as the circumstances may require.

5. An alien enemy shall, before entering an appearance, file in the registry an affidavit stating the grounds of his claim.

6. Where no appearance has been entered the party issuing the writ may proceed in the cause subject to the filing of an affidavit of service of the writ. See Appendix A, Form No. 10.

#### ORDER IV.

##### *Affidavit as to Ship Papers.*

1. An affidavit as to ship papers shall, unless previously sworn or otherwise ordered by the Judge, be sworn within ten days after the ship is brought in for adjudication or is seized in port.

2. The affidavit shall, with the ship papers exhibited thereto, be filed in the Registry within three days after the same is sworn as aforesaid, or, if sworn before the ship is brought in for adjudication, within three days after the ship is brought in for adjudication.

3. If a captured ship is destroyed or lost, the affidavit as to ship papers shall, with the ship papers exhibited thereto, be filed within three days of the institution of the cause.

4. Where ship papers are in the custody or under the control of any person within the jurisdiction of the Court, the Judge may, on the application of the captor or of a claimant, order the person having such custody or control to bring the papers into Court; and thereupon such person shall bring in all ship papers as exhibits to an affidavit in the form marked No. 11 (iv) in Appendix A.

5. The ship papers shall be exhibited to the affidavit and shall be numbered consecutively; and the person before whom the affidavit is sworn shall initial each of the documents.

6. Every affidavit as to ship papers shall be sworn before a Commissioner appointed to administer oaths, or before any other person lawfully authorized to administer oaths in prize matters, or before the Registrar. The person in charge of the ship, or a person desiring to make an affidavit shall produce to the person

before whom the affidavit is sworn all the ship papers (if any) delivered up or found on board the ship.

7. Where ship papers are delivered up or found in ordinary course at the time of capture, the affidavit as to ship papers shall be in the form marked No. 11 (i) in Appendix A.

Where any ship papers have, after being delivered up or found, been lost, mislaid, injured or altered, or where any ship papers are found hidden or concealed, the affidavit shall be in the form marked No. 11 (ii) in Appendix A, with such variations as the facts may require.

Where no ship papers are delivered up or found on board the ship, the affidavit shall be in the form marked No. 11 (iii) in Appendix A.

Provided that no affidavit shall be invalidated by reason only of a defect in form.

#### ORDER V.

##### *Proceedings in case of failure to proceed by Captors.*

1. Where a ship has been captured as prize, and still remains detained, and no cause is instituted against it within one month from the time it is so taken or seized, a claimant may, after issuing a writ as provided by Order II, apply for an order for the release of the ship and its restoration to him, and the Judge upon such application may make such order as to the restoration of the ship and as to damages or costs or as to proceeding to judgment as he may think fit.

2. Where a ship has been captured as prize, but has been subsequently released by the captors, or has, by loss, destruction, or otherwise, ceased to be detained by them without proceedings for condemnation having been taken, any person interested in the ship wishing to make a claim for costs and damages in respect thereof, shall issue a writ as provided by Order II.

3. Where, after a cause has been instituted, the captors fail to take any of the steps within the respective times provided by these Rules, or, in the opinion of the Judge, fail to prosecute with effect the proceedings for adjudication, the Judge may, upon the application of a claimant who has entered an appearance as provided by Order III, order the ship to be released and to be restored to the claimant, and may make such order as to damages or costs as he may think fit.

4. Any person interested in a ship may, without issuing a writ, under the circumstances stated in Rule 1, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the captors proceed to adjudication, and the Judge may, on the hearing on such summons, order the captors to proceed to adjudication or make such other order as he may think fit.



## ORDER VI. ]

*Discontinuance.*

Proceedings may be discontinued by leave of the Judge, and not otherwise; such discontinuance may be in respect of all or any part of the subject matter of the cause. No order for discontinuance shall be made or taken to prejudice the right (if any) of a claimant to costs and damages. Notice of discontinuance (Appendix A, Form No. 12) shall be served on the other parties.

## ORDER VII.

*Pleadings.*

1. A party instituting a cause or making a claim shall, if ordered by the Judge, file a petition in the Registry, and serve a copy on the other parties to the cause. Any party served with a copy of the petition may within seven days file an answer thereto and forthwith serve the same, and there shall be no further pleadings except by order of the Judge.

2. The petition and answer shall be divided into short paragraphs numbered consecutively which shall state concisely the facts, and the effect of the documents, if any, on which the party relies, and shall be signed by the party or his solicitor or counsel.

3. A pleading may at any time be amended by consent of the parties, or by order of the Judge. If a party unreasonably refuses to give his consent he shall be liable to be condemned in the costs occasioned by such refusal.

4. A party may apply to the Judge to decide before the trial of the cause any question of law raised by any pleading, and the Judge shall thereupon make such order as he shall think fit.

5. Any person becoming a party after the filing of a petition, shall, after making a claim, or by leave of the Judge, be entitled to a copy of the petition, and shall within seven days of the receipt thereof plead thereto as in Rules 1 and 2 stated.

Forms of pleadings will be found in Appendix A, Nos. 13 (i) to (iv).

## ORDER VIII.

*Particulars.*

In any cause the Judge may, on the application of any

party by summons, order particulars in writing to be delivered by a party upon such terms as he may think just.

Forms of order and of particulars will be found in Appendix A, Nos. 14 and 15.

#### ORDER IX.

##### *Discovery, Inspection, and Admission of Documents and Facts.*

1. Any party to a cause or matter may, upon filing an affidavit, apply to the Judge for an order directing any other party to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question therein, and the Judge shall make such order, either generally or limited to certain classes of documents, as he may think fit. Provided that discovery shall not be ordered unless the Judge shall be of opinion that it is necessary either for disposing fairly of the cause or for saving costs.

2. The affidavit of discovery (Appendix A, Form No. 16) shall specify which, if any, of the documents therein mentioned the party objects to produce, and the grounds of his objection.

3. Any party to a cause may, for the purposes of the hearing of a cause, serve a notice (Appendix A, Form No. 17) on any other party to produce, for inspection or for the purpose of being copied, any document in his possession or power relating to any matter in question in the cause.

4. If the party served with notice to produce omits or refuses to do so within the time specified in the notice, the adverse party may apply to the Judge for an order to produce, and the Judge may, if he thinks fit, make such order.

5. Notice to produce documents at the hearing or at an examination of witnesses shall be in the Form No. 18 of Appendix A, with such variations as the circumstances may require.

6. The captor or any party who has entered a claim, or, by leave of the Judge, any other party may inspect in the Registry and take copies of the ship papers filed in the cause.

7. A party may, for the purposes of any hearing of a cause, serve a notice (Appendix A, Form No. 19) on any other party to admit any document or fact, saving all just exceptions, and a party not admitting it after such notice shall be liable for the costs of proving the document or fact; unless at the hearing the Judge shall certify that the refusal or omission to admit was reasonable.

Form of admission of facts will be found in Appendix A, No. 20.

## ORDER X.

*Arrest of Prize—Warrant.*

1. Where a ship is taken as prize and brought into port within the jurisdiction of the Court, or seized as prize in port within such jurisdiction, or having been taken or seized as prize comes or is howsoever within the jurisdiction of the Court, but is not delivered up to the marshal of the Court, the Judge may, after claim made, and upon the application of the claimant, order a warrant for the arrest of the ship to be issued.

2. Where, in any proceeding, it shall be made to appear to the Judge by the Crown or any party to a cause other than a claimant that property taken or seized as prize is within the jurisdiction of the Court, and that it is necessary or desirable that such property should be within the custody of the Court, the Judge may, on the application of the Crown or such party, order a warrant for the arrest of such property to be issued.

3. A warrant (Appendix A, Form No. 21) for the arrest of property shall be issued only on the order of the Judge.

No warrants shall be issued for the arrest of property until an affidavit has been filed by the party applying for the warrant as herein-after prescribed.

4. The affidavit shall state the grounds upon which the application is made and that the aid of the Court is required. Form of affidavit to lead warrant will be found in Appendix A, No. 22.

5. The warrant shall be issued out of the Registry, and lodged by the party applying for the same with the marshal, and it shall be served by the marshal in the manner following:—

- (1) upon ship, freight, or goods on board, by attaching the warrant for a short time to some conspicuous part of the ship, and by leaving a copy of the warrant attached thereto;
- (2) upon goods or freight where the goods have been landed or transhipped or are not on board a ship, by attaching the warrant for a short time to such goods, and by leaving a copy of the warrant attached thereto; or, if the person having the custody of the goods refuses access thereto, by showing the warrant to such person and by leaving with him a copy thereof;
- (3) upon freight or proceeds of prize in the hands of any person other than a person holding the same on behalf of the Court, by showing the warrant to him, and by leaving with him a copy thereof;
- (4) upon freight or proceeds in Court, by showing the warrant to the Registrar, and by leaving with him a copy thereof;

A warrant served as in paragraph (3) provided, shall be deemed to be an order for payment into Court forthwith of the freight or proceeds in respect of which the warrant is issued: Provided that, instead of such warrant, the Judge may, if he sees fit, order the person holding or having received such freight or proceeds to pay the same into Court.

6. In urgent cases, the marshal may, after a warrant is placed in his hands for execution, authorise his substitute by telegram or telephone to detain such property until the service of the warrant can be duly effected as herein provided.

7. Warrants may be served on any day, including Sunday and any public holiday.

8. Warrants shall be filed by the marshal within one week after service thereof has been completed, with a certificate of service endorsed thereon.

9. This order shall not apply to ships of war.

#### ORDER XI.

##### *Sale, Appraisement, Safe Custody and Inspection of Prize.*

1. The Judge may, at any time on the application of the marshal or any party, make such order as to the removal, safe custody or preservation of a ship as he may think fit, and may at any time on account of the condition of a ship, or on the application of a claimant, and on or after condemnation, order the ship to be appraised, if not already appraised, and sold.

2. The appraisement and sale of a ship, the removal and survey thereof, and the unlading and warehousing of goods shall be effected by the marshal under the authority of a commission.

Forms of commission and bills of sale by the marshal will be found in Appendix A, Nos. 23 and 25.

3. Where a ship is ordered to be sold, such sale shall be by public auction unless the Judge shall for good cause otherwise order, and the gross proceeds thereof shall be paid into Court by the marshal.

Form showing usual conditions of sale will be found in Appendix A, No. 26.

4. Where the Judge orders any act or acts in Rule 2 mentioned to be done, the party who has obtained the order shall thereupon obtain out of the Registry a commission and shall lodge the same with the marshal for execution.

5. Every commission issued under Rule 2 shall, as soon as possible after its execution, be filed in the Registry by the marshal with a return, setting forth the manner in which it has been executed. The marshal shall, with the commission, file his accounts and the vouchers in support thereof.

Forms of marshal's certificate and accounts will be found in Appendix A, Nos. 24 and 27.

6. The Registrar shall on the application of any party review the marshal's accounts, and shall report the amount which he considers should be allowed; and any party to the cause may be heard before the Registrar on the review.

7. The Judge on the application of any party by summons may review the Registrar's decision.

8. The amount found due to the marshal shall be paid out to him on an order signed by the Judge.

9. All costs and expenses of and incidental to orders issued under Rule 2 shall in the first instance be borne and paid by the party on whose application the order is issued.

10. Where the Judge directs that goods be unladen, inventoried, and warehoused, they shall, unless the Judge otherwise orders, remain in the custody of the marshal until sale or restitution thereof.

11. The Judge may, if he thinks fit, upon the application of any party to a prize proceeding, order any property under the arrest of the Court or being the subject-matter of a prize proceeding to be inspected by any party thereto or by any person appointed by the Court.

## ORDER XII.

### *Bail.*

1. Bail shall be given by filing a bail bond, which shall be signed by two sureties, unless the judge shall order that one surety shall suffice, and it shall be taken before a commissioner authorized to administer oaths in the Court in the exercise of its ordinary jurisdiction, or before the Registrar, or by his direction before a clerk in the Registry, and in every case the sureties shall justify by affidavit.

Forms of bail bond and of affidavit of justification will be found in Appendix A, Nos. 28 and 29.

2. A bail bond shall not, unless by consent, be filed until after the expiration of twenty-four hours from the time when a notice (Appendix A, Form No. 30) containing the names and addresses of the sureties and of the commissioner before whom the bail was taken shall have been served upon the adverse solicitor, and a copy of the notice verified by affidavit shall be filed with the bail bond.

3. No commissioner shall take bail on behalf of any person for whom he or any person in partnership with him is acting as solicitor or agent.

4. A commission or fee paid to a person becoming surety to a bail bond or otherwise giving security may be recovered on taxation, provided that the amount of such commission or fee shall not



in the aggregate exceed one pound per centum on the amount in which bail is given.

5. If the adverse party is not satisfied with the sufficiency of a surety, he may file a notice of objection to such surety (Appendix A, Form No. 31). The surety shall thereupon be produced for cross-examination on his affidavit before the Registrar, who shall report on his sufficiency. If the Registrar reports against the sufficiency of the surety, a new bail bond shall be prepared.

6. Where bail is given in a cause for condemnation it shall be deemed to be given and to be answerable not merely to the actual captors, but to all parties having any rights in or against the property, including the Crown, and in respect of the decree of the Court or of any court authorised to hear appeals therefrom.

#### ORDER XIII.

##### *Releases.*

1. Property in the custody of the Court whether under arrest or otherwise shall only be released under the authority of an instrument issued from the Registry (Appendix A, Form No. 32), to be called a release.

2. A release shall be issued at any time before adjudication upon the application of the proper officer of the Crown.

3. A release may be issued without an order of the Judge unless there is a caveat outstanding against the release of the property—

- (1) where the property has been ordered by the Judge to be delivered on bail, and one or more bail bonds have been filed for the appraised value of the property ; or
- (2) where the property has been arrested at the instance of the Crown and a consent for a release signed by the proper officer of the Crown is filed ; or
- (3) where the property is the subject of proceedings for condemnation and a consent to restitution signed by the captors is filed ; or
- (4) where proceedings instituted by or on behalf of the Crown are discontinued ; or
- (5) Where in proceedings for the recovery of prize salvage the parties claiming salvage discontinue their proceedings, or their claim is dismissed ; or
- (6) Where in proceedings for the recovery of prize salvage one or more bail bonds have been filed, or other satisfactory security given, for the amount of salvage claimed and costs.

4. No release shall affect the right (if any) of the owners of the property captured to costs and damages against the captor, unless so ordered by the Judge.

5. Where property has been arrested for prize salvage, the release shall not be issued under the foregoing Rules, except on

discontinuance of the proceedings or dismissal of the claim, until the value of the property arrested has been agreed upon between the parties or ascertained as by these Rules provided, unless the Judge shall otherwise order.

6. The release shall be lodged with the marshal by the party upon whose application it has been issued, and thereupon, upon payment to the marshal of all fees due to and charges incurred by him in respect of the property by the party upon whose application the release has been issued, unless the Judge shall otherwise order, the property shall be at once released.

7. The marshal shall file the release with a certificate (Appendix A, Form No. 33) endorsed thereon of the date of the execution thereof.

8. The rules of this Order, except rules 1, 6 and 7, shall not apply to releases on requisition by the Lords of the Admiralty under Order XXIX.

#### ORDER XIV.

##### *Caveats.*

1. Where a ship is subject to a claim for prize salvage but is not under arrest, any person desiring to prevent the arrest of such ship may file a notice in the Registry undertaking to enter an appearance in any cause for the recovery of prize salvage that may have been or may be instituted against such ship, and to give bail in such cause in a sum not exceeding an amount to be stated in the notice, or to pay such sum into the Registry; and a caveat against the issue of a warrant for the arrest of the ship shall thereupon be entered in the caveat warrant book hereinafter mentioned.

Forms of notice and of caveat warrant will be found marked Nos. 34 and 35, respectively, in Appendix A.

2. A party taking proceedings for prize salvage against a ship, in respect of which a caveat has been entered in the caveat warrant book, shall forthwith serve a copy of the writ instituting the proceedings upon the party on whose behalf the caveat has been entered, and within three days of the service of the copy of the writ the party on whose behalf the caveat has been entered shall, if the sum claimed does not exceed the amount for which he has undertaken, give bail in such sum or pay the same into the Registry.

3. If the party on whose behalf the caveat has been entered shall not within the three days prescribed by rule 2 have given bail in such sum or paid the same into the Registry, the caveat may be over-ruled.

4. The entry of a caveat warrant shall not prevent the issue of a warrant for the arrest of any property, but a party at whose instance a warrant shall be issued for the arrest of any property

in respect of which there is a caveat warrant outstanding shall be condemned in all costs and damages occasioned thereby, unless he shall show to the satisfaction of the Judge good and sufficient reason for such issue.

5. Any person having any interest in or claim against any property in the custody of the Court, and desiring to prevent its release, shall file a notice in the Registry, and thereupon the Registrar shall enter a caveat in the caveat release book hereinafter mentioned. Forms of notice and of caveat release will be found in Appendix A, Nos. 36 and 37.

6. Any person having any interest in or claim against any money in Court, and desiring to prevent its payment out of Court shall file a notice in the Registry, and thereupon the Registrar shall enter a caveat in the caveat payment book hereinafter mentioned. Forms of notice and of caveat payment will be found in Appendix A, Nos. 38 and 39.

7. If the person entering a caveat is not a party to the cause, the notice shall state his name and address, and an address within three miles of the Registry at which it shall be sufficient to leave all documents required to be served upon him, and such person shall within seven days of the entry of the caveat enter an appearance in the cause, otherwise the caveat will cease to be effective.

8. The party at whose instance a caveat release or caveat payment is entered shall be condemned in all costs and damages occasioned thereby, unless he shall show to the satisfaction of the Judge good and sufficient reason for such entry.

9. A caveat shall not remain in force for more than six months from the date of entering the same.

10. A caveat may at any time be withdrawn by the person at whose instance it has been entered, on his filing a notice withdrawing it. A form of notice of withdrawal will be found in Appendix A, No. 40.

11. The Judge may over-rule any caveat.

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#### ORDER XV.

##### *Evidence and Hearing.*

1. A cause for the condemnation of a ship of war shall be heard upon the affidavit as to ship papers, and the ship papers, if any, exhibited thereto either alone or upon such other evidence as the Judge may direct.

2. A cause for the condemnation of a ship other than a ship of war shall be heard upon the following evidence, namely:—

- (a) the affidavit as to ship papers, and the ship papers, if any, exhibited thereto;
- (b) upon the affidavits of the officers of the ship concerned in the capture;

- (c) the depositions of the witnesses, if any, examined before the hearing, whether such witnesses belong to the captured ship or are tendered on behalf of the captors or of any other party;
- (d) the evidence given at the hearing of any witnesses, whether on behalf of the captors or of any other party; and
- (e) such further evidence, if any, as may be admitted by the Judge.

3. At any time after the institution of a cause, whether for condemnation or otherwise, the captors or any other party may apply for the examination of any witnesses before the hearing. The examination (if any), before the hearing, of the witnesses from the captured ship shall be conducted by the proper officer of the Crown, or such other person as the Court shall appoint, in such manner as the Court shall direct for the purpose of ascertaining all information necessary for the assistance of the Court.

4. On application made under the last preceding rule or otherwise the Judge may make such order as he shall think fit as to the examination of witnesses, the hearing of the cause, the bringing in of claims, pleadings, discovery by interrogatories, discovery and inspection of documents, or as to any other matter upon such terms as the nature of the case may require.

5. After a day has been fixed for the hearing of a cause the Registrar shall send notice to all parties that the cause will be heard on the appointed day.

6. At the hearing of a cause the party by whom it has been instituted shall begin, unless the Judge shall otherwise order. If there are several claimants the Judge shall direct which of them shall begin. At the hearing of claims on joint capture the persons claiming to be joint captors shall begin.

7. No ship shall be condemned at the hearing in the absence of an appearance or claim until six months have elapsed from the service of the writ, which shall be verified by an affidavit of service (Appendix A, Form No. 10), unless there be on the ship papers and on the evidence, if any, of the witnesses from the captured ship sufficient proof that such ship belongs to the enemy, or is otherwise liable to condemnation.

8. Where in two or more causes claims have been made by or on behalf of the same persons, and the ship papers in such causes are on the file and in the control of the Court, any party may, by leave of the Judge at the hearing, invoke and give in evidence in any one of such causes the ship papers brought in and filed in any other of such causes, and may, by leave of the Judge, invoke and give in evidence in the cause before the Court any ship papers found on board any ship and any deposition made in any other of such causes.

9. Where a witness is to be examined before the hearing of a cause, the Judge may order that such witness shall be examined before the Judge, or the Registrar, or before some person authorised or appointed for the purpose by the Court (hereinafter called an examiner).

10. If the witness is out of the jurisdiction of the Court, the Judge may order that he shall be examined before an examiner specially appointed for the purpose, or may order, in lieu of a commission, the issue of a request to examine such witness.

Forms of a commission to examine witnesses, and of a request, and of a return to a commission to examine witnesses, will be found in Appendix A, Nos. 41, 42, and 43.

11. The evidence of every witness taken before the hearing shall be taken down in writing by the Judge, Registrar, or examiner, before whom such witness is examined, or by a shorthand writer, appointed by the Judge, Registrar, or examiner, or agreed upon by the parties, and such written evidence, or a transcript of the shorthand writer's notes, shall be certified as correct by the Judge, Registrar, examiner, or shorthand writer.

12. The certified evidence taken before the hearing shall be lodged in the Registry by the party on whose behalf the witness has been examined, or, if taken out of the jurisdiction of the Court, shall forthwith be transmitted by the examiner to the Registry, together with his commission.

13. As soon as the evidence taken before the hearing has been filed or received in the Registry, it may be used as evidence in the cause, saving all just exceptions.

14. When evidence is given at the hearing by the oral examination of witnesses such evidence may be taken by a shorthand writer, appointed by the Judge, and a transcript of the shorthand writer's notes, certified by him to be correct, shall be admitted to prove the oral evidence of a witness.

15. Any examination of a witness may be adjourned, if necessary, from time to time, and from place to place, as the Judge, Registrar, or examiner before whom such examination is taken shall direct.

16. The Judge may order any person within the jurisdiction of the Court who has made an affidavit in a cause to attend for cross-examination thereon before the Judge.

17. Where witnesses are examined orally, whether before the Judge, the Registrar, or an examiner, the parties, the counsel, solicitors, or agents may attend the examination, and the witnesses shall be examined, cross-examined, and re-examined in such order as the Judge, Registrar, or examiner may direct; and questions may be put to any witness by the Judge, Registrar, or examiner as the case may be.

18. The Judge may disallow any questions put in cross-examination of any party or witness which may appear to him to be vexatious or not relevant to any matter proper to be inquired into in the cause.

19. Any person wilfully disobeying any order or subpoena requiring his attendance for the purpose of being examined, or cross-examined, or producing any document, or, on attending, refusing to answer any proper question, shall be deemed guilty of contempt of Court and may be dealt with accordingly.

20. Where any ship papers or other documents have to be translated for use in a cause, such translation shall be made by an



interpreter, appointed by the party who desires to use such translation, or if necessary, by a person appointed for the purpose by the Judge. The parties to any proceeding may agree, or, if there is no party other than the Crown or the captor, the proper officer of the Crown may direct, which and what parts, if any, of the ship papers and documents shall be translated.

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#### ORDER XVI.

##### *Assessors.*

One or more Trinity Masters or other assessors may, on the application of any party, or without such application if the Judge sees fit, be called in to advise the Court upon any matters requiring nautical or other professional knowledge. Such application shall be made by letter or notice lodged in the Registry six days at least before the attendance of the Trinity Masters or other assessors is required.

The fees of the Trinity Masters or other assessors shall be paid in the first instance by the party on whose demand they are summoned.

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#### ORDER XVII.

##### *References.*

1. The Judge may refer the assessment of damages, the taking of any accounts, or any other matter which he may think fit, to the Registrar either alone or assisted by one or more merchants or other assessors.

2. Within 21 days from the day when the order for the reference is made, or an agreement for a reference is filed, the claimant shall file the claim and vouchers and affidavits, if any, and serve copies thereof on the opposite party.

3. The claimant shall, after the filing of the claim and vouchers, obtain a day for the reference either by summons or by agreement, and when such day has been obtained he shall lodge in the Registry a notice praying to have the reference placed in the list for hearing with the stamps for the reference affixed thereto.

4. At the time appointed for the reference, if any party be present, the reference may be proceeded with, but the Registrar

may adjourn the reference from time to time as he may deem proper.

5. Evidence may be given *viva voce* or by affidavit or by documents, and the evidence shall, on the application of either party, but at the expense in the first instance of the party on whose behalf the application is made, be taken down by a shorthand writer appointed by the Court, and a transcript of the shorthand writer's notes, certified by him to be correct, shall be admitted to prove the oral evidence of the witnesses on an objection to the Registrar's report.

6. When a reference has been heard, the Registrar shall draw up a report in writing of the result of the reference, showing any further particulars and reasons that may be necessary. The Registrar shall report whether any and what part of the costs of the reference should be allowed and to whom.

The report shall be in the Form No. 44 of Appendix A, or in such other form as the circumstances of the case may require.

7. The claimant, who has received notice from the Registry that the report is ready, shall, within six days from the time when he has received such notice, file the report and serve a notice of such filing on the opposite party, and shall forthwith apply for an order (Appendix A, Form No. 45) confirming the report.

8. If the claimant shall not take the steps prescribed in the last preceding rule, the adverse party may take up and file the report, and apply for its confirmation, or may apply to the Judge to have the claim dismissed.

9. A party intending to object to the Registrar's report shall, within 14 days from the filing of the report, file in the Registry a notice (Appendix A, Form No. 46) that he objects to the report, and a copy thereof shall be served on the adverse party.

10. An objection to a report shall be brought before the Judge by motion, or on pleadings consisting of a petition in objection to the report and an answer thereto. A notice of motion in objection to a report shall be filed within ten days from the filing of the notice of objection and a copy shall be served on the adverse party, and a petition shall be filed within the same period, and a copy served on the adverse party, and the answer thereto shall be filed within ten days from the service of the petition, and a copy served on the adverse party.

Forms of notice of motion and of pleadings respectively will be found in Appendix A, Nos. 47 and 13 (iv).

#### ORDER XVIII.

##### *Costs and Security for Costs.*

1. The costs of and incident to all prize proceedings shall

except when otherwise provided by any agreement, or by statute, be in the discretion of the Judge.

2. Any person instituting a proceeding, other than a cause for condemnation, or making a claim, and being ordinarily resident out of the jurisdiction of the Court, may be ordered to give security for costs, though he may be temporarily resident within the jurisdiction of the Court, and the proceedings may be stayed until such security is given.

3. In any cause in which security for costs is required, the security shall be of such amount, and be given at such times and in such manner or form, as by bond, payment into Court or otherwise, as the Judge shall direct.

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#### ORDER XIX.

##### *Taxation of Costs.*

1. A party desiring to have a bill of costs taxed either between party and party or between solicitor and client, shall file the bill in the Registry.

2. In all cases of taxation the Registrar shall be the taxing officer and the taxation shall proceed in the High Court in accordance with the law and practice governing the taxation of costs in the High Court in the exercise of its Admiralty Instance jurisdiction, and in a Court in any British Possession in accordance with the law and practice governing the taxation of costs in such Court in the exercise of its ordinary jurisdiction.

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#### ORDER XX.

##### *Interlocutory Applications.*

1. Any application to the Judge at any time other than at the hearing of a cause shall, if made in Court, be made by motion, or, if made in chambers, by summons (Appendix A, Form No. 48).

2. Every application to the Judge other than applications which are by these Rules directed to be made by motion, may be made in chambers by summons, but a summons may be adjourned by the Judge into Court.

3. Every notice of motion (Appendix A, Form No. 47) or summons shall be served upon the adverse party at least 24 hours before the date of the return thereof, unless by consent of the adverse party, or by order of the Judge, the time for such service is shortened.

4. Every notice of motion or summons shall state the nature of the order desired, and the day on which the application is to be made.

5. When the motion or summons comes on for hearing the Judge may, after hearing the parties, or in the absence of any of them, on proof that the notice of motion or summons has been duly served, make such order as he shall deem right.

6. Save as herein-after provided no motion or summons shall be heard without previous notice to or service on the parties affected thereby, but the Judge, if satisfied that the delay caused by proceeding in the ordinary way would, or might, entail irreparable or serious mischief, may make any order *ex parte* upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Judge may think just; and any party affected by such order may move to set it aside.

7. Any application made in chambers *ex parte* shall, if the Judge think fit so to require, be made by summons.

8. The Registrar may transact all such business and exercise all such authority and jurisdiction in respect of the same as under these Rules may be transacted or exercised by the Judge in chambers, except in respect of the following proceedings and matters, that is to say—

- (1) all matters relating to the liberty of the subject or attachments;
- (2) awarding of costs other than the costs of or relating to any proceeding before the Registrar and costs which, by these Rules or by the order of the Judge, the Registrar is authorised to award;

Provided, that the Registrar shall only transact such business and exercise such authority and jurisdiction where he has power to transact the like business and exercise the like authority and jurisdiction in matters arising out of the ordinary jurisdiction of the Court.

Provided, further, that any application in chambers may, if required by any party thereto, be heard by the Judge.

9. Any party affected by any order or decision of the Registrar may appeal to the Judge by summons, and such appeal shall be made within three days after the order appealed from.

10. The Judge may on due cause shown vary or rescind any order or decision previously made on motion or summons other than an order made in Court on an appeal from chambers.

11. An appeal from the decision of the Registrar in chambers shall be no stay of proceedings unless so ordered by the Judge or Registrar.

## ORDER XXI.

*Affidavits.*

1. Every affidavit shall be intituled in the cause or matter in which it is sworn, or, if sworn before the commencement of a cause, it shall be headed with the name of the captured ship, and shall be divided into short paragraphs numbered consecutively, and shall be in the first person, and signed by the deponent.

2. The name, address, and description of every person, making an affidavit shall be inserted therein.

Where an affidavit is made by two or more persons the names of all such persons, and the dates when, and the places where, it is sworn, shall be inserted in the jurat.

Form of heading and jurat to an affidavit will be found in Appendix A, No. 49.

3. When an affidavit is made by any person who is blind, or who, from his signature or otherwise, appears to be illiterate the person before whom the affidavit is sworn shall certify that the affidavit was read over to the deponent, and that the deponent appeared to understand the same, and made his mark or wrote his signature thereto in the presence of the person before whom the affidavit was sworn.

4. When an affidavit is made by a person who does not speak the English language, the affidavit shall be taken down and read over to the deponent by interpretation of a person previously sworn faithfully to interpret the affidavit.

5. Affidavits sworn within the jurisdiction shall be sworn before the Judge, Registrar, commissioner, or officer empowered under these Rules to administer oaths.

6. Affidavits sworn out of the jurisdiction may be sworn before the following persons :—

(1.) If sworn in any place being a part of His Majesty's Dominions before any person authorised to administer oaths in such place.

(2.) If sworn in any place not being a part of His Majesty's Dominions, before any person authorised to administer oaths under the Commissioners for Oaths Act, 1889, Sections 4 and 6, or under the Commissioners for Oaths Act, 1891, Section 2, or under the Commissioners for Oaths (Prize Proceedings) Act, 1907, or before a notary public, or before a Judge or magistrate, the signature of such notary public, Judge, or magistrate being authenticated by the official seal of the Court to which he is attached, or by the official seal of the Supreme Court of the country where the affidavit is sworn, or by the Certificate of a consular officer.

7. The reception of any affidavit as evidence may be objected to, if the affidavit has been sworn before the solicitor for the party on whose behalf it is offered, or before a partner or clerk of such solicitor.



8. Every affidavit shall, before being used as evidence, be filed in the Registry, and a copy thereof served on the other parties to the cause.

#### ORDER XXII.

##### *Oaths.*

1. The Registrar, and any commissioner for oaths or other person directed or empowered to administer oaths in prize proceedings may administer oaths therein.

2. The Judge may appoint any person to administer oaths in prize proceedings either generally or in any particular proceeding.

3. Any person to whom an oath is administered shall swear in the manner provided by the Oaths Act, 1909, or in such manner as is provided by the law regulating the manner of taking oaths in the Court.

4. If any person tendered for the purpose of giving evidence whether orally or by affidavit, objects to take an oath or is not a Christian, or is objected to as incompetent to take an oath, or is by reason of any defect of religious knowledge or belief incapable of comprehending the nature of an oath, the Judge or person authorised to administer the oath, shall, if satisfied that the taking of an oath would have no binding effect on his conscience, permit him, in lieu of an oath, to make a declaration.

5. Forms of oaths and declarations in lieu of oaths will be found in Appendix A, Nos. 50 and 51.

#### ORDER XXIII.

##### *Consents and Agreements.*

Any consent or agreement in writing, signed by the parties or by their solicitors, may, if the Registrar think it reasonable, be filed, and shall thereupon become an order of the Court, and have the same effect as if such order had been made by the Judge.

#### ORDER XXIV.

##### *Subpœnas.*

1. Any party desiring to compel the attendance of a witness for the purpose either of giving evidence or of producing any document may serve him with a subpœna, which shall be prepared by the party and issued under the seal of the Court.

Forms of subpoena shall be such as are for the time being in force in the High Court, or in the case of a Court in a British Possession such as are for the time being in force in that court in the exercise of its ordinary jurisdiction.

2. A subpoena may contain the names of any number of witnesses, or may be issued with the names of the witnesses in blank.

3. Service of the subpoena must be personal, and may be made by the party or his agent, and shall, if necessary, be proved by affidavit.

4. Refusal or neglect to attend on subpoena issued as aforesaid, or to give evidence on attendance thereunder, shall be deemed to be contempt of Court and may be dealt with accordingly.

#### ORDER XXV.

##### *Copies. Printing. Office Copies.*

1. Depositions, pleadings, affidavits, and all other documents and copies thereof may be either written, typed, or printed as may be most convenient, except transcripts of the evidence of a witness taken before a hearing, which shall be printed, unless the Registrar shall otherwise order. Any dispute between the parties as to whether a document should be written, typed or printed shall be decided by the Registrar on the application, without a summons, of any party.

2. Where a document is printed the rules as to printing for the time being in force in the High Court, or in the case of a Court in a British Possession the rules as to printing for the time being in force in that court in the exercise of its ordinary jurisdiction shall have effect as if such rules were part of these rules.

3. Any person entitled to inspect any document in a cause, shall on payment of the proper charges for the same be entitled to an office copy thereof.

#### ORDER XXVI.

##### *Payments into and out of Court.*

1. In causes instituted in the United Kingdom all funds and moneys to be paid into Court in prize matters, and all securities to be placed to the credit of any such matters, shall be dealt with in the manner in which moneys or securities paid or transferred into Court are usually dealt with in the exercise of the ordinary jurisdiction of that Court.

2. In causes instituted in a British Possession all funds and moneys to be paid into Court in prize matters, and all securities to be placed to the credit of any such matters, shall be transferred, paid, or placed to the account or credit of the proper

officer of the Court, which is authorised to act as a Prize Court, to whom moneys paid into Court are usually paid, and shall be placed in the books of the said officer to the credit of "Prize Moneys," and of the particular ship in respect of which the same shall be transferred, paid, or placed. If there is no such officer as above, the payments shall be made to the Registrar who shall open an account in a bank to be approved by the Judge in respect of the particular ship, in respect of which the said moneys shall be transferred, paid, or placed.

3. No money shall be paid out of Court except in pursuance of a decree or order of the Judge.

#### ORDER XXVII.

##### *Enforcement and Execution of Decrees and Orders.*

1. Where the Judge condemns property as prize the decree of condemnation may be enforced :—

- (1) If the property is still under arrest, by sale of such property.
- (2) If the property has been sold before condemnation and the proceeds have not already been paid into Court, by order to the persons holding the same to pay the same into Court.
- (3) In respect of freight found due for the carriage of goods in a ship condemned as prize, by arrest of the goods so carried until payment into Court of such freight or by order against the owner of the goods, or other persons holding, or responsible for, such freight, to pay the same into Court.
- (4) So far as a decree deals with costs and expenses (other than costs and expenses ordered to be paid out of proceeds), by order against the parties ordered to pay the same or their bail.
- (5) If the property has been released on bail before condemnation, by order against the bail.

2. Where the Judge decrees property taken or seized as prize to be restored to the owner thereof the decree shall be carried out by means of a release as prescribed in Order XIII. Provided, that the Judge may order such release upon such terms as to the payment of costs and expenses and freight (if any is due), or otherwise, as to the Judge may seem just, and if such terms are not complied with or such payments are not made within a time to be named in the order, may direct the appraisal and sale of such property and the payment into Court of the proceeds of sale, and the payment thereof of such costs and expenses or freight.

3. Where in a decree restoring a ship it is pronounced that freight is due in respect of cargo carried therein and payment of such freight is ordered, the decree may be enforced as regards the payment of freight against the cargo or the owners thereof :—

- (1) If the cargo has been condemned, by payment out of the proceeds of the sale of such cargo.
- (2) If the cargo has been unladen and sold before adjudication and the proceeds of the sale are still in Court, by payment out of the proceeds of sale.

- (3) If the cargo has been unladen, but still remains under the arrest of the Court, by sale of such cargo and payment out of the proceeds of sale.
  - (4) If the cargo has been unladen and has been restored to the owner on bail, by order against the bail to pay the freight into Court.
  - (5) If the cargo has been unladen and has been restored to the owner without bail, by order against the owner or person to whom the same has been restored, or against any person having received or being in possession of such cargo or freight, to pay such freight into Court.
4. Any decree or order other than a decree of condemnation or restitution and not expressly provided for by the Naval Prize Acts or by these Rules, may be enforced by order against the parties against whom such decree or order is made, or may be enforced in the same manner as a judgment, decree or order of the High Court in the exercise of its Admiralty jurisdiction, or, in the case of a court in a British Possession, in the same manner as a judgment, decree or order of that court in the exercise of its ordinary jurisdiction may be enforced.
5. Forms of order and decrees will be found in Appendix A, Nos. 52 and 53 (i) to (xxviii).
6. The Rules of this Order shall apply to the enforcement by the Court of decrees or orders of any other Prize Court or of the Judicial Committee of the Privy Council.

## ORDER XXVIII.

*Detention.*

1. Where it is held in a suit for condemnation that the ship is an enemy ship but in pursuance of some International convention or otherwise is only liable to detention and not to condemnation, the decree (Appendix A, Form 53, ii and iv) shall direct the marshal to retain the ship in his custody until further orders.
2. Where a decree of detention has been made under Rule 1 the ship shall be kept at such port or place as the Court may from time to time direct.

3. \* \* \* \* \*

\* Rescinded by Order in Council of 30th September, 1914.

## ORDER XXIX.

*Requisition by Admiralty.*

1. If in a cause for the condemnation of a ship in respect of which no final decree has been made it is made to appear to the Judge \* on behalf of the Crown that the Lords of the Admiralty desire to requisition the ship and that there is no reason to believe that the ship is entitled to be released, he shall order that the ship shall be appraised, and that upon payment into Court on behalf of the Crown of the appraised value of the ship the said ship shall forthwith be released and delivered to the Lords of the Admiralty.

\* \* \* \* \*

\* Rescinded by Order in Council of 30th September, 1914.

Provided that no order shall be made by the Judge under this rule in respect of a ship which he considers there is good reason to believe to be neutral property.

2. Where a ship has been condemned as prize and has not yet been sold, or where a decree for the detention thereof has been made in accordance with Order XXVIII, the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Lords of the Admiralty desire to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. On payment into Court on behalf of the Crown of the appraised value the ship shall be released and delivered to Lords of the Admiralty.

Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

3. Where in any case of requisition under this Order it is made to appear to the Judge \* on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the Judge may order the same to be forthwith released and delivered to the Lords of the Admiralty without appraisalment.

4. In any case where a ship has been requisitioned under the provisions of this Order and whether or not an appraisalment has been made any party may apply to the Court \* to fix the amount to be paid by the Crown in respect of the value of the ship and the sum so fixed, so far as not already paid into Court, shall be paid into Court on behalf of the Crown.

4A. Notwithstanding anything contained in this Order, the Court shall on the request of the proper Officer of the Crown accept in lieu of payment into Court an undertaking in writing signed by the proper Officer of the Crown for payment into Court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this Order, as the case may be, at such time or times as the Court shall declare by Order that the same or any part thereof is required for the purpose of payment out of Court.

4B. Where in any case of requisition under this order it is made to appear to the Judge on behalf of the Crown that the Lords of the Admiralty desire to requisition the ship temporarily, the Court may, in lieu of an Order of Release, make an Order for the temporary delivery of the ship to the Lords of the Admiralty, and subject as aforesaid the provisions of this Order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the Court, the Court may make such Order as it thinks fit for the return to the Crown of the money paid into Court, or some or any part thereof, or the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII. r. 1 relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered during such temporary delivery as aforesaid.

\* Repealed by Order in Council of 30th September, 1914.



- (3) If the cargo has been unladen, but still remains under the arrest of the Court, by sale of such cargo and payment out of the proceeds of sale.
- (4) If the cargo has been unladen and has been restored to the owner on bail, by order against the bail to pay the freight into Court.
- (5) If the cargo has been unladen and has been restored to the owner without bail, by order against the owner or person to whom the same has been restored, or against any person having received or being in possession of such cargo or freight, to pay such freight into Court.

4. Any decree or order other than a decree of condemnation or restitution and not expressly provided for by the Naval Prize Acts or by these Rules, may be enforced by order against the parties against whom such decree or order is made, or may be enforced in the same manner as a judgment, decree or order of the High Court in the exercise of its Admiralty jurisdiction, or, in the case of a court in a British Possession, in the same manner as a judgment, decree or order of that court in the exercise of its ordinary jurisdiction may be enforced.

5. Forms of order and decrees will be found in Appendix A, Nos. 52 and 53 (i) to (xxviii).

6. The Rules of this Order shall apply to the enforcement by the Court of decrees or orders of any other Prize Court or of the Judicial Committee of the Privy Council.

#### ORDER XXVIII.

##### *Detention.*

1. Where it is held in a suit for condemnation that the ship is an enemy ship but in pursuance of some International convention or otherwise is only liable to detention and not to condemnation, the decree (Appendix A, Form 53, ii and iv) shall direct the marshal to retain the ship in his custody until further orders.

2. Where a decree of detention has been made under Rule 1 the ship shall be kept at such port or place as the Court may from time to time direct.

3. \* \* \* \* \*

\* Rescinded by Order in Council of 30th September, 1914.

#### ORDER XXIX.

##### *Requisition by Admiralty.*

1. If in a cause for the condemnation of a ship in respect of which no final decree has been made it is made to appear to the Judge \* on behalf of the Crown that the Lords of the Admiralty desire to requisition the ship and that there is no reason to believe that the ship is entitled to be released, he shall order that the ship shall be appraised, and that upon payment into Court on behalf of the Crown of the appraised value of the ship the said ship shall forthwith be released and delivered to the Lords of the Admiralty.

\* \* \* \* \*

\* Rescinded by Order in Council of 30th September, 1914.

Provided that no order shall be made by the Judge under this rule in respect of a ship which he considers there is good reason to believe to be neutral property.

2. Where a ship has been condemned as prize and has not yet been sold, or where a decree for the detention thereof has been made in accordance with Order XXVIII, the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Lords of the Admiralty desire to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. On payment into Court on behalf of the Crown of the appraised value the ship shall be released and delivered to Lords of the Admiralty.

Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

3. Where in any case of requisition under this Order it is made to appear to the Judge \* on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the Judge may order the same to be forthwith released and delivered to the Lords of the Admiralty without appraisement.

4. In any case where a ship has been requisitioned under the provisions of this Order and whether or not an appraisement has been made any party may apply to the Court \* to fix the amount to be paid by the Crown in respect of the value of the ship and the sum so fixed, so far as not already paid into Court, shall be paid into Court on behalf of the Crown.

4A. Notwithstanding anything contained in this Order, the Court shall on the request of the proper Officer of the Crown accept in lieu of payment into Court an undertaking in writing signed by the proper Officer of the Crown for payment into Court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this Order, as the case may be, at such time or times as the Court shall declare by Order that the same or any part thereof is required for the purpose of payment out of Court.

4B. Where in any case of requisition under this order it is made to appear to the Judge on behalf of the Crown that the Lords of the Admiralty desire to requisition the ship temporarily, the Court may, in lieu of an Order of Release, make an Order for the temporary delivery of the ship to the Lords of the Admiralty, and subject as aforesaid the provisions of this Order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the Court, the Court may make such Order as it thinks fit for the return to the Crown of the money paid into Court, or some or any part thereof, or the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII. r. 1 relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered during such temporary delivery as aforesaid.

\* Reintroduced by Order in Council of 30th September, 1914.

5. The proceedings in respect of a ship requisitioned under this order shall continue notwithstanding the requisition.

#### ORDER XXX.

##### *Prize Salvage.*

1. A ship brought into port for adjudication after recapture from the enemy, but liable to restoration on payment of salvage, shall (except as hereinafter provided) be proceeded against by writ, and, if so ordered by the Judge, on pleadings, in the same form and manner as all other ships captured as prize.

Forms of writ and of pleadings in prize salvage will be found in Appendix A, Nos. 5 and 13 (ii).

2.—(a). Where a ship, on recapture from the enemy by any of His Majesty's ships, or by any persons other than her own crew, which, if brought into port by the recaptors, would have been liable to restoration on payment of salvage, is with the consent of the recaptors allowed to prosecute her voyage, or otherwise parts company with or ceases to be in the possession of the recaptors; or

(b) Where a ship captured by the enemy is recaptured by the crew of such ship.

In either case the recaptors may take proceedings to recover the salvage due in respect of recapture (if any), either *in rem* or *in personam*.

3. Within 12 days after a writ has been served, the owner shall file an affidavit setting out the value of the property claimed or alleged to have been salvaged, or an agreement with the recaptors as to such value.

Forms of affidavit and of agreement of value will be found in Appendix A, Nos. 57 and 58.

4. Where no claim is made by an owner or no appearance is entered, or default is made in filing an affidavit or agreement of value, or where the recaptors are dissatisfied with the value deposited to, the Judge may, on the application of the recaptors, direct the property to be appraised by the marshal or otherwise valued.

5. If no appearance is entered the recaptors may, subject to the filing of an affidavit of service (Appendix A, Form 10), set the case down for hearing by default; in all other cases the recaptors may at any time after appearance entered, apply for a day for the hearing.

6. Where at the time of a decree or order awarding prize salvage the ship is under arrest, the decree or order of the Court may be enforced by sale of the ship and payment of the amount due out of the proceeds of sale.

7. Where a ship under arrest has been released on security being given, the decree or order awarding prize salvage may be enforced;

(1) if money has been paid into court, by order for payment out;

(2) if bail has been given, by order for payment against the bail, and execution against the bail in default to payment.

8 Where the proceedings for prize salvage have been taken *in personam*, the decree or order may be enforced against the owner, and execution issued against him. If the owner makes default in payment, the Judge may direct a warrant to issue for the arrest of the ship on such ship coming within the jurisdiction of the Court, and may order a sale of the ship and payment of the award to be made out of the proceeds of such sale.

9. Where any salvage is awarded to any persons other than officers and crews of His Majesty's ships of war, either alone or conjointly with such officers and crews, the Judge may make an order apportioning such salvage between such persons, or between such persons and such officers and crews, in such proportions as to the Judge shall seem fit.

Provided, that nothing herein contained shall be taken to authorise the distribution of salvage among such officers and crews or to affect any Proclamation of His Majesty as to the distribution of Prize Money.

Forms of decrees in prize salvage will be found marked No. 53 (xiii) to (xvii) in Appendix A.

10. No decree or order for the payment of salvage to salvors shall be made unless and until the Judge is satisfied that no persons other than the said salvors are entitled to share in such salvage.

#### ORDER XXXI.

##### *Land Expeditions and Conjoint Capture with Ally.*

A ship taken by land expedition within the meaning of the Naval Prize Act, 1864, sect. 34, or by a conjoint capture with an ally within the meaning of sect. 35 of the said Act, shall be proceeded against and dealt with, as far as possible, in the same manner as herein-before provided in the case of any other ship captured as prize.

#### ORDER XXXII.

##### *Joint Capture, Flag Officers' Claims, and other Conflicting Claims between Captors.*

1. Any person claiming to share as joint captor (hereinafter called "the petitioner") may, at any time after the institution of a cause relating to a ship in respect of which he claims a share, proceed as hereinafter provided :

- (1) A writ (Appendix A, Form No. 6) shall be issued by the petitioner in the Registry, instituting a cause of joint capture.
- (2) If the cause is instituted before condemnation of the ship in respect of which the petitioner claims to share,

or in prize salvage before adjudication, the petitioner shall, except in the case of a flag officer claiming to share by virtue of his flag, within six days after issuing his writ give security to the satisfaction of the Court to contribute to the actual captors a just proportion of any costs, charges, expenses or damages that may be incurred by or awarded against the actual captors on account of the capture and detention of the prize. Within 10 days after such security is given the petitioner shall file in the Registry a petition setting out the material facts on which he relies to establish his claim to share as aforesaid.

- (3) If the cause is instituted after condemnation of the ship in respect of which the petitioner claims to share, or in prize salvage after adjudication, the judge shall, upon sufficient cause being shown by affidavit why the application was not presented before condemnation or adjudication, and upon payment being made and security being given (as hereinbefore provided), allow the writ to be served upon the party to whom the ship has been condemned (hereinafter called "the respondent"), or in prize salvage on the captors, who shall show cause why the petitioner should not be pronounced to be a joint captor of the said ship.
- (4) Where the cause is instituted after condemnation, the petitioner shall, within 10 days after such payment has been made and such security has been given, file a petition setting out all the material facts on which he relies to establish his claim to share as aforesaid, and serve the same as herein—before provided.
- (5) The respondent shall appear to the writ by entering an appearance (Appendix A, Form No. 8) in the Registry within the time named in the writ.

2 The respondent, if he desires to contest the right of the petitioner to share, shall file an answer.

If the respondent admits the right of the petitioner to share, he shall file an admission in the Registry.

A copy of every pleading shall be served on the opposite party.

Forms of the above pleadings will be found in Appendix A, No. 13 (iii).

3 Upon the answer, and the reply thereto (if any), or admission being filed, the petition shall be heard in Court, on an early day to be appointed by the Registrar, upon the application of either party, upon such evidence as the Judge shall think fit.

4. If in a cause instituted against a ship for condemnation as prize, or in a cause for prize salvage, a cause of joint capture is instituted before condemnation or adjudication, the Judge may, at the hearing of the principal cause, upon condemnation of the ship as lawful prize to the Crown, determine the title of the petitioner to share as aforesaid.

Forms of decree in joint capture will be found in Appendix A, No. 53 (xviii) to (xxi).



5. The costs of and occasioned by the petition shall, as the Judge shall direct, be borne by the petitioner or respondent or be paid out of the proceeds of the ship if condemned.

6. Except by special leave of the Judge no party shall be admitted to claim to share as a joint captor in a prize, or in prize salvage, unless he shall institute his cause and file his petition within six months from the date on which the Judge shall have pronounced any other party entitled to such prize, or prize salvage.

7. A claim by a flag officer to share in prize, or prize salvage, by virtue of his flag shall not be made until after condemnation, and shall then be made in the same form and manner and the same proceedings shall be had thereon, as in cases of asserted joint capture :

Provided, that such flag officer shall not be required to pay costs or give security for costs.

8. Where in any proceedings instituted for condemnation, or for prize salvage, the title or interest of the party instituting such proceedings is denied by any other party who asserts that he has as captor the sole title or interest in the prize, or prize salvage, proceedings may be taken for the purpose of determining such title or interest in the form and manner herein provided for determining the title and interest in a claim of joint capture : Provided, that the petitioner shall not be required to give any security or pay any costs before so proceeding unless so ordered by the Judge, and that the form of proceedings shall assert such sole title and interest instead of a joint title and interest, and that the petition shall be filed within 10 days after the cause is instituted by the petitioner instead of after security given.

9. All other applications to share in prize proceeds, or prize salvage, shall, unless the Judge shall otherwise direct, be made by motion.

#### ORDER XXXIII.

##### *Prize Bounty.*

In claims for prize bounty the procedure shall be as follows:—

- (1) Where the ship is brought in for adjudication the application for a decree under the Naval Prize Act, 1864, Section 43, shall be made in Court at the hearing of the principal cause, or as soon thereafter as possible
- (2) Where the ship has been destroyed, or having been taken, has not been brought in for adjudication, the application for a decree as aforesaid shall be made by motion in Court.
- (3) Not less than four clear days before such application, notice thereof shall be served upon the proper officer of the Crown.
- (4) The witnesses in support of the application shall be examined before the Judge in Court, or their evidence may be given by affidavit.

- (5) If the Judge makes a decree in favour of the application and there are no parties other than the original applicants claiming to share in the bounty, the Judge may upon the hearing of the application, or at a later date if he shall see fit, make a decree declaring the title of the applicants to the prize bounty, and stating the amount thereof. If there are other persons claiming to share in the bounty, the judge may make a decree that bounty is due, stating the amount thereof, but reserving the question to whom the said bounty is due.

Forms of decree will be found in Appendix A, No. 53 (XXV) to (XXVIII).

- (6) All claims to share as joint captors in prize bounty shall be, as far as possible, subject to the same procedure and rules, and be heard and determined in the same manner, as herein-before provided in the case of claims to share as joint captors in prize.

#### ORDER XXXIV.

##### *Distribution and Naval Agency (a).*

In questions concerning the distribution or investment of prize moneys, whether the proceeds of prize, prize salvage, or prize bounty, distributable under the provisions of the Naval Agency and Distribution Act, 1864, or otherwise, and in questions concerning remuneration of ships' agents under the said Act, the procedure shall be as follows:—

- (1) Any application for distribution or investment of such money shall be by motion.
- (2) No motion shall be heard unless four days' previous notice thereof, *intituled* in the cause to the credit of which such money stands or in which such money has been pronounced due, has been served by the applicant upon all parties interested, including (if they are not applicants) the Lords of the Admiralty.
- (3) The Judge may, if he thinks fit, direct, any application for distribution or investment to be heard on pleadings.
- (4) Evidence on such applications shall be by affidavit, but the Judge may direct any witness to be examined or cross-examined.
- (5) In the taxation of the costs, charges, and expenses of the officers and crew of any of His Majesty's ships or of any ships' agent under Section 13 of the Naval Agency and Distribution Act, 1864, the same procedure shall be followed as is herein-before provided for the taxation of costs.
- (6) Where any difference within the meaning of Section 20 of the Naval Agency and Distribution Act, 1864,

(a) Attention should be called to Section 22 of the Naval Agency and Distribution Act, 1864.

arises between ships' agents as to the apportionment of their percentage, any such agent may take out a summons intituled in the cause in which the question arises calling upon all other persons interested to show cause why the matter should not be referred to the Registrar, and upon such summons and proof of due service thereof on such persons an order may be made referring such difference to the Registrar. Upon report made by the Registrar any party may object to the same. Order XVII shall apply, as far as possible, to references under this Order.

#### ORDER XXV.

##### *Instruments and other Documents, and the Service thereof.*

1. Every warrant, release, commission, and other instrument to be executed by any officer of, or commissioner acting under the authority of, the Court, shall be prepared in the Registry, and shall be issued under the seal of the Court.

2. The seal of the Court to be used for the purposes of these Rules shall be such as the President shall from time to time direct.

3. Every document issued under the seal of the Court shall bear date on the day of sealing, and shall be deemed to be issued at the time of the sealing thereof.

4. Every instrument to be executed by the marshal shall be left with the marshal by the party at whose instance it is issued, with written instructions for the execution thereof.

5. Except in the case of an order for committal, it shall not be necessary to the regular service of an order that the original order be shown if an office copy be exhibited.

6. All notices, pleadings, summonses, orders, and other documents, proceedings, and written communications in respect of which personal service is not required shall be sufficiently delivered or served if left within the prescribed hours at the address for service of the person to be served with any person resident at or belonging to such place. The prescribed hours shall be such as are appointed by the President by general order a copy of which shall be affixed in some prominent place in the Court or Registry.

7. Where no appearance has been entered for a party, or where a party has omitted to give an address for service, all notices, pleadings, summonses, orders and other documents, proceedings, and written communications in respect of which personal service is not required may be served by filing them in the Registry.

8. All orders (except as in these Rules otherwise provided), disobedience to which would render a party liable to committal, shall be served personally.

9. Where personal service of any order, notice, pleading, summons, or other document, proceeding, or written communication

is required by these Rules or otherwise, the service shall be effected by showing it to the party to be served and by leaving with him a copy thereof.

10. Where personal service of any notice, pleading, summons, order or other document, proceeding, or written communication, is required by these Rules or otherwise, and it is made to appear to the Judge that the person to be served is under disability or that prompt personal service cannot be effected, the Judge may order upon whom, or in what manner, substituted or other service is to be made, or may order notice by letter, advertisement or otherwise to be given in lieu of service.

11. The service of every warrant or other instrument by the marshal shall be verified by his certificate.

Form of certificate of service will be found in Appendix A, No. 59.

12. The Judge may direct that any summons, order, notice, or other instrument shall be served on any party or person in a foreign country, and the procedure prescribed by Order II., Rules 16 to 19 inclusive, with reference to service of notice of a writ shall apply to the service of any summons, order, notice, or other instrument so directed to be served.

#### ORDER XXXVI.

##### *Notices from the Registry.*

Any notice from the Registry may be either left at, or sent by post to, the address for service of the party to whom notice is to be given; and the time at which the notice if posted would be delivered in the ordinary course shall be considered the time of service thereof.

#### ORDER XXXVII.

##### *Filing.*

1. Documents shall be filed by leaving the same in the Registry, with a minute stating the nature of the document, and the date of filing it.

A form of minute on filing documents will be found in Appendix A, No. 60.

2. Any number of documents in the same cause may be filed with one and the same minute.

3. Save as otherwise provided by these Rules, before any document, except affidavits as to ship papers, bail bonds, documents issued from the Registry and minutes, is filed, a copy thereof shall be delivered to or served on the adverse party, if any, and no document, except as aforesaid, shall be filed without a certificate endorsed thereon, signed by the party filing the same, that a copy thereof has been so delivered or served upon such adverse party, if any.

## ORDER XXXVIII.

*Time: Enlargement and Abridgment.*

1. In all matters in regard to the time for doing any act or taking any proceeding, the ordinary procedure in regard to time in force in the High Court or in the case of a Court in a British Possession the procedure in regard to time in force in that Court in the exercise of its ordinary jurisdiction shall prevail.

2. The Judge may, on the application of either party, enlarge or abridge the time prescribed by these Rules or forms, or by any order made under them, for doing any act or taking any proceeding, upon such terms as to him shall seem fit, and any such enlargement may be ordered, although the application for the same is not made until after the expiration of the time prescribed.

## ORDER XXXIX.

*Marshal.*

1. The Marshal shall execute by himself or his substitute all instruments issued from the Court which are addressed to him, and shall make returns thereof.

2. Whenever, by reason of distance or other sufficient cause, the marshal cannot conveniently execute any instrument in person, he shall employ some competent person as his substitute to execute the same.

3. Whenever in any port in His Majesty's Dominions, there is no person appointed or employed to act as substitute of the marshal, the principal officer of customs of the port shall be deemed to be the substitute of the marshal for the purposes of the execution and service of warrants and other instruments, the custody of prize, and for such other purposes as the President shall direct, and for such purposes shall be an officer of the Court.

4. Persons may be appointed or employed to act as substitutes of the marshal for the purposes mentioned in Rule 3 in the ports of any ally in war of His Majesty, or for the purpose of the services of any process out of the jurisdiction.

## ORDER XL.

*Hours and Holidays.*

The Registry and the marshal's office shall be open for the transaction of prize matters at such times as they are open for the transaction of the business of the Court when exercising its



ordinary jurisdiction. Provided, that the Registrar shall make arrangements for the issue of process in all urgent cases when the offices are closed.

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ORDER XLI.

*Records of the Court.*

1. There shall be kept in the Registry a book to be called the minute book, in which shall be entered in order of date under the head of each cause, and on a page numbered with the number of the cause, a record of the institution of the cause, of all appearances entered, of all documents issued or filed, of all witnesses examined, and of all acts done, and in which shall in the like order be entered in full all orders and decrees of the Court, whether made by the Judge, or by the Registrar, or by consent of the parties in the cause.

Form of minutes of examination of witnesses will be found in Appendix A, No. 61.

2. A copy of any order or decree certified by the Registrar as correct shall be deemed to be a true copy of such order or decree for all purposes.

3. There shall be kept in the Registry a caveat warrant book, a caveat release book, and a caveat payment book, in which all such caveats respectively and the withdrawal thereof shall be entered.

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ORDER XLII.

*Certificates of Sale, Condemnation, and Restitution.*

1. Where property taken or seized as prize is sold by order or decree of the Court, any person to whom such property is sold may, within one month from the date of the sale or condemnation of the property, whichever last happens, and after notice to the proper officer of the Crown, apply to the Judge for an order directing the issue of a certificate of condemnation and sale, or of sale only; and upon such application the Judge shall unless good cause is shown to the contrary, direct a certificate to be issued, and the same shall be issued in one of the forms in Appendix A, Nos. 62, 63, 64, 65.

2. Where such certificate is issued in respect of a ship, the applicant shall be entitled to have a certificate endorsed on the bill of sale by which the ship is sold to him, on production of the bill of sale to the Registrar.

Where such certificate is issued in respect of goods or cargo, the applicant shall be entitled to have the certificate endorsed on the contract or sold note (if any) under which such goods or cargo were sold to him on production of such contract or sold note to the Registrar.

3. Where the property taken or seized as prize is restored to the owner thereof by order or decree of the Court, the owner may within one month from the date of the order or decree, and after notice to the proper officer of the Crown, apply to the Judge for an order directing the issue of a certificate of restitution, and the Judge shall, unless good cause is shown to the contrary, direct a certificate to be issued in one of the forms in Appendix A, Nos. 66 or 67.

#### ORDER XLIII

##### *Forms and Fees.*

1. The forms in Appendix A shall be followed with such variations as the circumstances may require.

2. The fees to be taken in the Court in prize matters by the Court and the officers thereof, and the costs, charges and expenses to be allowed to the practitioners therein, shall be the fees set out in Appendix B, and the costs, charges, and expenses set out in Appendix C respectively, or so near thereto as the currency in use in any place in which the Court is situate will permit. All fees to be taken as aforesaid shall be taken by means of stamps.

3. No document shall be filed, no process issued, no decree or order made, nor act done, by the Court or registrar, until the fees due and payable in respect of such filing, issue, decree, order, or act respectively, shall have been paid into the Registry, unless it is otherwise ordered by the Judge.

#### ORDER XLIV.

##### *Appeals.*

1. In this Order, unless the context otherwise requires :—

“ Appeal ” means “ Appeal to His Majesty in Council.”

“ Judgment ” includes decree, order or decision.

“ Record ” means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence, and judgment) proper to be laid before His Majesty in Council on the hearing of the appeal.

2. Applications to the Court for the admission of an appeal as of right, or for leave to appeal, shall, if not made at the time that the judgment appealed from is delivered by the Court, be made by motion within seven days from the date of such judgment, and the applicant shall give to the opposite party notice of his intended application.

3. An appeal shall only be admitted, or leave to appeal granted, by the Court—

- (a) upon the appellant, within a period to be fixed by the Court, entering into sufficient security to the satisfaction of the Court, if so required, for the due prosecution of the appeal and the payment of all such costs as may become payable to the respondent in the event of the appeal being dismissed for non-prosecution or of His Majesty in Council ordering the appellant to pay the respondent's costs of the appeal; and
- (b) upon such conditions, if any, as to the time or times within which the appellant shall take the necessary steps for the purpose of procuring the preparation of the record and the despatch thereof to the Privy Council as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

4. The Court shall have power, when admitting the appeal or granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the appeal, and, in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into sufficient security, to the satisfaction of the Court, for the due performance of such order as His Majesty in Council shall think fit to make thereon.

5. As soon as an appeal has been admitted, whether by an order of the Court or by an order of His Majesty in Council granting special leave to appeal, the appellant shall without delay take all necessary steps to have the record prepared forthwith.

6. The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the Court.

7. The Registrar as well as the parties shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal, and generally to reduce the bulk of the record as far as practicable.

8. Records in appeals to His Majesty in Council shall be printed in the form known as demy quarto and may be printed either in or out of England. The number of lines in each page shall be forty-seven or thereabouts and every tenth line shall be numbered in the margin.

Where the record is printed out of England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council forty printed copies of such record, one of which copies he shall certify to be correct by affixing thereto the seal of the Court.

Where the record relates to an appeal from a Court out of England and is to be printed in England, or where the record relates to an appeal from the High Court in England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case.

9. Where there are two or more appeals arising out of the same matter the Court may direct the appeals to be consolidated.

10. An appellant may, at any time before the record is transmitted to the Privy Council, withdraw his appeal on such terms as to costs and otherwise as the Court may direct.

11. Where an appellant fails to show due diligence in the prosecution of his appeal before the transmission of the record to the Privy Council, the Court may, on an application made by the respondent, dismiss the appeal or make such order as to costs or otherwise as the Court shall think fit.

12. Where at any time before the hearing of the appeal the record becomes defective by reason of the death or change of status of a party to the appeal, the Court shall, on an application made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted on the record in place of, or in addition to, the party who has died or undergone a change of status.

13. Where His Majesty in Council directs a party to bear the costs of an appeal incurred in the Court below, such costs shall be taxed by the proper officer of the Court in accordance with Order XIX., r. 2.

14. The Court shall enforce any order or judgment of His Majesty in Council in like manner as any judgment or order of the Court.

15. An appellant whose appeal has been admitted shall prosecute his appeal in accordance with the rules for the time being regulating the general practice and procedure in appeals to His Majesty in Council, so far as such rules may be applicable.

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#### ORDER XLV.

##### *Cases not provided for.*

In all cases not provided for by these Rules, the practice of the late High Court of Admiralty of England in prize proceedings shall be followed, or such other practice as the President may direct.

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#### ORDER XLVI.

##### *Short Title and Commencement.*

These Rules may be cited as The Prize Court Rules, 1914, and shall come into operation immediately on the making thereof; except that, so far as they apply to any Court in a British Possession outside the United Kingdom, they shall not come into operation until they are proclaimed in the Possession by the Governor thereof.

## APPENDIX A.

## FORMS.

O. XLIII.

[Note. Every document issued from the Court or Registry must bear the Seal of the Court.]

No. 1.

## HEADING AND TITLES OF CAUSES.

O. II. r. 2.

(i.) *In Rem.*

19. (Here put number).

In the High Court of Justice, Probate, Divorce, and Admiralty Division.  
[ or other Court having prize jurisdiction ].

In Prize.

(If the cause is instituted against a ship only, or against a ship and cargo or against a ship, cargo, and freight, the title should be the name of the ship only and the name of her master:)

The

(or, if the cause is instituted against cargo only:)

Cargo ex

(or if the cause is instituted against goods other than cargo:)

Goods taken at

(or, if the cause is instituted against the proceeds realised by the sale of ship or cargo or goods:)

The proceeds of the ship

(or)

The proceeds of the cargo ex

(or)

The proceeds of the goods taken at

(ii.) *In Personam.*

No.

[Heading as above.]

Between A.B., plaintiff,

and

C.D. and E.F., the owners of the ship

, defendants,

or

C.D. and E.F., the owners of the cargo ex

ship

, defendants.

No. 2.

## WRIT OF SUMMONS IN A CAUSE (General Form).

(Heading and Title as in No. 1.)

O. II. r. 5.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

To the owners and parties interested in the ship of the port of and the goods laden therein (if the cause is instituted against the ship or cargo only, these words must be adapted accordingly). (if the cause is instituted against goods other than cargo, say, To the owners and parties interested in the goods taken at hereinafter specified), seized and taken as prize by our ship of war

Commander (or by our Officers of Customs at the port of, as the case may be).

We command you that within eight days after the service of this writ (in a cause in personam add on you), inclusive of the day of such service, you do cause appearances (or an appearance) to be entered for you in the Registry of our said Court in a cause instituted on our behalf by our Procurator General or other the proper officer of the Crown (if the proceeding is against a droit of Admiralty, add in Our Office of Admiralty) against the said ship and goods for the condemnation thereof as good and lawful prize (if claimed as droit of Admiralty, add, and as droits and perquisites of Us in Our Office of Admiralty).



And take notice that in default of your so doing our said Court (or, in a cause *in personam*, the plaintiff) may proceed therein and judgment may be given in your absence.

Witness, &c. (in accordance with the form generally in use in the Court).

*Memorandum to be subscribed on the Writ.*

N. B.—This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

Appearance hereto may be entered either personally or by solicitor at the Admiralty Registry, Royal Courts of Justice, London (or as the case may be).

*Indorsements to be made on the Writ before issue thereof.*

This writ was issued by the said \_\_\_\_\_, who resides at \_\_\_\_\_,  
or, this writ was issued by \_\_\_\_\_ of \_\_\_\_\_, whose  
address for service is \_\_\_\_\_, solicitor for the said \_\_\_\_\_,  
who resides at \_\_\_\_\_ or, this writ was issued by \_\_\_\_\_,  
of \_\_\_\_\_, whose address for service is \_\_\_\_\_, agent  
for \_\_\_\_\_ of \_\_\_\_\_, solicitor for the said \_\_\_\_\_,  
who resides at \_\_\_\_\_.

(If writ is issued by an Officer of the Crown, state his name, title and address for service.)

[Note.—The address for service must be within three miles of the Registry.]

Indorsement to be made on the writ after service thereof, and signed by the person serving the same.

This writ was served by me by (state mode in which service was effected, whether on the ship, cargo or freight, or otherwise, according to Order II; or, if *in personam*, state the name of the person served and the place of service) on \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Indorsed the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed)

(Address)

No. 3.

O. 18. rr. 6, 13.

WRIT OF SUMMONS IN A CAUSE FOR CONDEMNATION WHERE THE SHIP OR GOODS HAVE BEEN DESTROYED OR LOST.

(Heading and Title as in No. 1 (i).)

George the Fifth, &c. (as in No. 2).

To the owners and parties interested in the ship or vessel, \_\_\_\_\_ &c.  
(as in No. 2), seized and taken as prize by our ship of war \_\_\_\_\_,  
\_\_\_\_\_ Commander (or by our Officers of Customs at the port of \_\_\_\_\_), the said ship and goods having been destroyed (or lost) (state generally the circumstances of the destruction or loss) (if the goods have been removed and brought in for adjudication without the ship, add, and the said goods having been removed from the said ship and being now in custody of our said Court).

We command you, &c. (as in No. 2).

(Remainder of form, indorsements, &c., as in No. 2.)

[Note.—If ship or goods only have been destroyed or lost, the above form must be altered accordingly.]

## No. 4.

## WRIT OF SUMMONS IN A CAUSE INSTITUTED AGAINST A CAPTOR.

*Heading and Title as in No. 1 (ii).)*

O. II. rr. 7, 14.

George the Fifth, &amp;c. (as in No. 2).

To , Commander of our ship of war,

We command you that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Registry of our said Court in an action at the suit of

, a subject of (state nationality of petitioner), claiming restitution of the ship , taken and seized as prize by our said ship of war, and damages for her detention (or damages for the loss or destruction of the said ship).

And take notice, &amp;c. (as in No. 2).

Witness, &amp;c. (as in No. 2).

(Indorsements, &amp;c., as in No. 2.)

## No. 5.

## WRIT OF SUMMONS IN PRIZE SALVAGE.

*(Heading and Title as in No. 1 (ii).)*

O. II. rr. 8, 14.

O. XXX. r. 1.

George the Fifth, &amp;c. (as in No. 2).

To C.D., the owner (or as the case may be) of the ship,

We command you that within eight days after the service of this writ, inclusive of the day of such service, you do cause an appearance to be entered for you in the Admiralty Registry of our said Court in a cause of prize salvage instituted against you on behalf of

And take notice, &amp;c. (as in No. 2).

Witness, &amp;c. (as in No. 2).

(Indorsements, &amp;c., as in No. 2.)

## No. 6.

## WRIT OF SUMMONS IN JOINT CAPTURE OR RECAPTURE.

*(Heading and Title as in No. 1 (ii).)*

O. II. r. 9.

O. XXXII.

r. 1 (i).

George the Fifth, &amp;c. (as in No. 2).

To (the persons originally claiming as captors or recaptors).

We command you that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Registry of our said Court in a cause of joint capture (or recapture) instituted against you on behalf of (insert names of persons claiming as, e.g., A. B., the Commander, and the crew of our ship of war

) asserting a claim to be pronounced joint captors (or recaptors) with you of the said ship , and the goods, wares and merchandise laden on board of her (or, of the goods, wares and merchandise ex the said ship ), and to share in the proceeds thereof (or, in the salvage payable in respect thereof).

And take notice, &amp;c. (as in No. 2).

Witness, &amp;c. (as in No. 2).

(Indorsements, &amp;c., as in No. 2.)

## No. 7.

## NOTICE IN LIEU OF SERVICE OF A WRIT OUT OF THE JURISDICTION.

(Heading and Title as in No. 1.)

To \_\_\_\_\_, of \_\_\_\_\_, has instituted  
 a cause against you, in the (here insert the name of the Prize Court), by writ  
 of that Court, dated the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, for (copy the  
 words of the writ showing the object for which the cause is instituted), and  
 you are required within \_\_\_\_\_ days after the receipt of this notice,  
 inclusive of the day of such receipt, to cause an appearance to be entered for  
 you in the Registry of the said Court to the said cause; and in default of  
 your so doing the said Court may proceed therein and judgment may be given  
 in your absence.

O.II.r.19.  
O.XXXV.  
P. 12.

You may appear to the said writ by entering an appearance personally or by  
 your solicitor at the (here insert the Registry of the Court.)

(Signed) \_\_\_\_\_ of \_\_\_\_\_, &c.,  
 or \_\_\_\_\_ of \_\_\_\_\_, &c.,  
 Solicitor for

N. B.— This notice is to be used where the person to be served out of the  
 jurisdiction is not a British subject, or the ship or goods are not the property  
 of a British subject.

## No. 3.

## ENTRY OF APPEARANCE.

(Heading and Title as in No. 1.)

Enter an appearance for \_\_\_\_\_, owner of the ship  
 abovementioned or as the case may be).

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(Signed) \_\_\_\_\_ of \_\_\_\_\_,  
 • Address for service \_\_\_\_\_, or agent  
 Solicitor for the above-named \_\_\_\_\_, Solicitor for the  
 for \_\_\_\_\_ of \_\_\_\_\_,  
 above-named \_\_\_\_\_

O.III.r.1.  
O.XXX.  
O.XXXII.  
P. 5.

\* An address for service within three miles of the Registry must be given.

## No. 9.

## CLAIMS IN CAUSES FOR CONDEMNATION.

(Headings and Titles as in No. 1.)

(i) Claim by Master.

O.III. r. 3.

The claim of \_\_\_\_\_, the master of the \_\_\_\_\_, a  
 subject of His Majesty the King of \_\_\_\_\_ (or a citizen of  
 \_\_\_\_\_, as the case may be), on behalf of (fill in name of  
 owner of ship), of (residence of owner), also a subject of His Majesty the  
 King of \_\_\_\_\_ (or as above), the true, lawful, and sole owner  
 of the said ship, her tackle, apparel, and furniture, at the time she was  
 taken and seized as prize by His Majesty's ship \_\_\_\_\_,  
 \_\_\_\_\_, Commander, and brought into \_\_\_\_\_  
 (and, if the ship owners are also owners of the cargo or of part thereof) and  
 of (describe the cargo, giving numbers, weight, and description) laden on board  
 the said ship at the time of the capture thereof aforesaid (and if claim is made  
 on behalf of cargo owners):

Also on behalf of \_\_\_\_\_, of \_\_\_\_\_, merchants,  
 subjects (or citizens, &c., as above) of \_\_\_\_\_, the true,  
 lawful, and sole owners of \_\_\_\_\_ (describe goods as above), also  
 laden on board the said ship at the time of the capture aforesaid (and, if he has  
 a private adventure):

And also for his private adventure consisting of  
 for the said ship, goods, and private adventure as true, lawful, sole, and

entire property of (subjects or citizens), of  
as aforesaid, and for freight, demurrage, and all such loss, costs, charges, dama-  
ges, and expenses, as have arisen and been incurred, or may arise and be incur-  
red, by reason of the capture and detention aforesaid.

(Signed)

C. D.,

Claimant.

(ii) *Claim by Agent.*

The claim of \_\_\_\_\_ of \_\_\_\_\_ merchant (or as the  
case may be), on behalf of Messrs \_\_\_\_\_ and \_\_\_\_\_ of  
\_\_\_\_\_, merchants, the true, lawful, and sole owners of  
(enumerate and describe goods) which were laden and on board the said ship,  
at the time of the capture thereof by His Majesty's ship \_\_\_\_\_  
\_\_\_\_\_, Commander, and brought into \_\_\_\_\_; for the  
said goods as the property of neutral subjects, and for all such costs, losses,  
damages, and expenses which have arisen, or shall or may arise, by reason of the  
capture and detention thereof as aforesaid.

(Signed)

C. D.,

Claimant.

(iii) *Claim by Managing Owner.*

The claim of \_\_\_\_\_ of \_\_\_\_\_  
shipowner, on behalf of himself and others, as the true and lawful owners of  
the above-named ship \_\_\_\_\_, her tackle,  
apparel, and furniture, at the time she was taken and seized as prize by His Majes-  
ty's ship \_\_\_\_\_, Commander, and  
brought into \_\_\_\_\_ (or, at the time of her seizure by the officers of  
His Majesty's Customs at the port of \_\_\_\_\_), for the said ship and for  
all losses, costs, charges, damages, demurrage, and expenses which have arisen, or  
shall or may arise, by reason of the seizure and detention of the said ship as prize

(Signed)

C. D.,

Claimant.

(iv) *Claim by Master and Sole Owner.*

The claim of \_\_\_\_\_, the master of the said  
ship \_\_\_\_\_, a subject of His Majesty the King of  
for and on behalf of himself, the true, lawful, and soleowner of the said  
ship, her tackle, apparel, and furniture, at the time she was taken and seized,  
as prize by His Majesty's ship \_\_\_\_\_, Commander, and brought into \_\_\_\_\_ (or, at the time she  
was taken and seized as prize whilst lying at the port of \_\_\_\_\_, or at the time she  
by the officers of His Majesty's Customs at that port); for the said ship and  
for freight, demurrage, and all such loss, costs, and charges, damages and  
expenses as have arisen and been incurred, or shall or may arise and be incurred  
by reason of the capture and detention aforesaid.

(Signed)

C. D.,

Claimant.

(v) *Claim by authority of Neutral Government.*

The claim of \_\_\_\_\_ of \_\_\_\_\_ merchant, by  
authority of His Excellency the (Ambassador, Minister for Foreign Affairs,  
or as the case may be) of the (Emperor, King, &c., as the case may be) of  
on behalf of His Majesty the \_\_\_\_\_ of \_\_\_\_\_, for the said  
ship \_\_\_\_\_ whereof \_\_\_\_\_ was  
master, her tackle, apparel, and furniture, and for all and singular the goods,  
wares, and merchandise laden on board the same, at the time when the  
said ship and cargo were taken and seized as prize whilst in the ports or  
roads of \_\_\_\_\_, or in waters within three miles of the coast  
of \_\_\_\_\_ (or wherever the capture took place), of \_\_\_\_\_, by  
the \_\_\_\_\_, Commander, and carried to  
\_\_\_\_\_ for the said ship and cargo, as having been seized  
within the territories and jurisdiction of His Majesty aforesaid, the \_\_\_\_\_  
of \_\_\_\_\_, and contrary to, and in violation  
of the law of nations and of the rights and territories of the Crown of His  
Majesty aforesaid, the \_\_\_\_\_ of \_\_\_\_\_, (and

contrary to and in violation of, existing treaties between His Britannic Majesty and His Majesty aforesaid, the of )  
and for all freight, losses, costs, charges damages, demurrage, and expenses  
which have arisen, or shall or may arise, by reason of the capture and detention  
of the said ship and cargo.

(Signed) C.D.,

Claimant on behalf of the Government (or as  
the case may be) of

*) Claim for Droit of Admiralty on Seizure in Port.*

The claim of C.D., Admiralty Proctor (or as the case may be), on behalf of  
Our Sovereign Lord the King, in His office of Admiralty, for the said ship  
the , whereof  
was master, her tackle, apparel, and furniture, and any goods laden therein,  
seized and taken in port, in the United Kingdom (or as the case may be), by His  
Majesty's ship the , Commander, and  
proceeded against in the (here fill in the name of the Prize Court), as prize to the  
said ship.

For the said ship the , her tackle, apparel, and  
furniture, and any goods laden therein, seized and taken as aforesaid, and as  
such or otherwise subject to confiscation as prize, and as droits and perquisites  
of His Majesty in His office of Admiralty; and for all costs, losses, damages,  
and expenses that have arisen, or shall or may arise, and be due in the premises.

(Signed) C.D.,

Claimant on behalf of the Admiralty.

*(vii). Claim for Droit of Admiralty on Capture by Non-Commissioned Ship.*

The claim of C.D., Admiralty Proctor, (or as the case may be), on behalf of Our  
Sovereign Lord the King, in His office of Admiralty, for the said ship, the Alpha  
whereof was master, her tackle, apparel, and furniture,  
and any goods laden therein, seized and taken by the ship Beta,  
Commander, and proceeded against as prize to the said ship, the Beta (or His  
Majesty, as the case may be).

For the said ship, the Alpha, her tackle, apparel, and furniture, and any goods  
laden therein, seized and taken as aforesaid by a ship other than a ship of war of  
His Majesty, and as such or otherwise subject to confiscation as prize, and as a  
droit and perquisite of His Majesty in His office of Admiralty.

(Signed) C.D.,

Claimant on behalf of the Admiralty.

*Note*—Every claim must be indorsed by the claimant or his solicitor, with the  
grounds on which the claim is made, as follows:—

The grounds of the said claim are:—

- 1.
- 2.
- 3.

(State grounds concisely and in general terms.)

No. 10.

AFFIDAVIT OF SERVICE OF WRIT.

(Heading and Title as in No. 1.)

I (name, address, and description of deponent) make oath and say as  
follows:—

I did, on the day of , 19 , serve the writ (or  
notice of the writ) herein by (state mode of service, or, if in personam state name  
of person served and the place of service) in accordance with the manner and  
form prescribed by the Rules of this Court.

(Signed)

Address.

or, Solicitor for

Sworn this day of , 19 , before me (name and  
authority of person before whom the affidavit is sworn).

O. III. r. 3.  
O. XV. r. 8.  
O. XXX. r. 5.

O. IV. r. 7.

No. 11.

## AFFIDAVITS AS TO SHIP PAPERS.

## (i) Ordinary Affidavit.

(Heading and Title as in Form 49.)

The  
I, A.B., a , in His Majesty's navy, and of His Majesty's  
ship , whereof is Com-  
mander, make oath and say as follows:—

1. The papers and writings hereunto annexed, and numbered from No. to No. inclusive, are all the ship papers which were delivered up or otherwise found on board the ship called the , whereof was master or Commander, and lately taken by His Majesty's said ship, at which capture I, the said deponent, was present.

2. The said papers and writings are brought in and delivered as they were received and taken, without fraud, addition, subduction, or embezzlement, and in the same condition (save the numbering thereof) as the same were delivered up or found on board the said ship.

Sworn by the said on the (Signed) A.B.  
19 . day of

Before me (name, rank and authority of person before whom the affidavit is sworn.)

O. IV. r. 7. (ii) Where Ship Papers injured, altered, lost, mislaid, thrown overboard, found concealed, etc.

(Heading and commencement as in Form (i)).

1. The papers and writings hereunto annexed, and numbered from No. to No. inclusive, are all the ship papers which were delivered up and found on board the ship , whereof was master or Commander and lately taken by His Majesty's said ship, at which capture I, the said deponent, was present.

2. By order of the said , I took charge of the captured ship to bring her in for adjudication.

3. After I so took charge (set out the facts as they occurred).

(Where ship papers lost, mislaid, or thrown overboard, describe as accurately as possible each such document.)

4. Save as aforesaid, the said papers and writings are brought in and delivered as they were received and taken, without any fraud, addition, subduction, or embezzlement, and in the same condition as received (save the numbering thereof).

Sworn, &c.

(Signed) A.B.

[ Note.—This form must be adapted in accordance with the facts.]

(iii). Where no Ship Papers delivered up or found.

(Heading and commencement as in Form (i)).

O. IV. r. 7.

1. I was present at the capture of the said ship whereof was master or Commander, and lately taken by His Majesty's said ship.

2. No ship papers of any sort were delivered up or found on board the said ship or elsewhere at the time of the seizure or afterwards.

3. (If anything has occurred to account for the absence of papers state the facts).

Sworn, &c.

(Signed) A.B.

O. IV. r. 4.

(iv). By Person having control of Ship Papers within the Jurisdiction.  
(Heading as in Form (i)).

I, A.B., merchant, of , make oath and say as follows:—

1. I am agent in this country for the owners of the said ship and consignee of her cargo.

2. The said ship arrived in the port of on the day of , in the ordinary course of her voyage.



and was about to discharge her cargo when she was seized as prize by the officers of His Majesty's Customs in the said port.

3. Prior to such seizure the several papers and writings set out below were delivered to me in the ordinary course as agent aforesaid, to enable me to enter the said ship and procure the discharge of her cargo.

4. The papers and writings hereto annexed and numbered from No. to No. inclusive, are all the ship papers which were so delivered to me, or came into my possession or control, and are brought in and delivered as they were received and taken, without any fraud, addition, subduction, or embezzlement, and in the same condition (save the numbering thereof) as received.

Sworn, &c.

(Signed) A.B.

#### No. 12.

#### NOTICE OF DISCONTINUANCE.

O. VI.

(Heading and Title as in No. 1).

Take notice, that this cause is hereby discontinued (or, if not against all the parties appearing, as against the claimant or as the case may be). (If the discontinuance is as to part only of the subject-matter of the cause, so far as it relates to )

(If by a claimant, that the claimant hereby discontinues his claim in this cause (or, as against, &c., or, so far as it relates to, &c., as above).)

Dated this            day of            , 19

(Signed) G.H., of  
or Solicitor for the

#### No. 13.

#### FLEADINGS (a).

#### (i.) PLEADINGS IN PROCEEDINGS FOR CONDEMNATION.

O. VII.

#### Petition.

(Heading and Title as in No. 1).

19

Writ issued

#### Petition.

Y. K., solicitor for the claimants C.D. and E.F., says as follows:—

1. The owners of the above-named ship are C.D. and E.F.  
The said C.D. resides at            and is a subject of            . The said E.F. resides at            and is a subject of            .

2. On the            day of            , the said C.D. purchased the said ship from G.H., of            , a subject of            who assigned the said ship to the said C.D., by bill of sale dated the            day of            .

3. Prior to such assignment, the said ship was named the            , and immediately thereafter the said C.D. changed the name of the said ship to that of the            , and such change of name was duly entered at            .

4. Immediately after such purchase and assignment, the said C.D., by bill of sale dated the            day of            , assigned            shares in the said ship to the said E.F., and on the            day of            .

(a) Note.—These pleadings are given as examples only, and the forms should be adapted to the facts of each particular case.

the said ship was duly registered in the names of the said C.D. and E.F. at , and a certificate of registry, dated the day of , was issued by , whereby it appears that the said C.D. and E.F. are the owners of the said ship and they were at the time of such registration, and still are, the owners thereof.

5. On the day of , the said ship loaded at a cargo of , and subsequently sailed therewith on a voyage from aforesaid bound to .

6. The said cargo consisted of (*describe the cargo, giving numbers, weight, &c.*), and was on the account and risk of , who are merchants carrying on business at , and are subjects of , and upon the account and risk of no other person whatsoever.

7. Whilst upon the voyage, aforesaid, the said ship was taken as prize by , and although all the ship papers relating to the said ship and the said cargo were shown to the captors, she was brought into the port of for adjudication.

8. There were at the time of such capture no contraband goods on board the said ship, and no subject of (*insert the name of Government at war with Great Britain*) or enemy of Great Britain had at the time of such capture, or at any other time material to the matters in this cause, any share, right, title, or interest in the said ship or cargo, or any part thereof.

9. There was no just ground for the capture and bringing in of the said ship.

The said Y.K. prays that the Judge will decree restitution of the said ship to the said C.D. and E.F., with damages and costs.

[*Or, if bail has been given* that the Judge will pronounce that the bail given on behalf of the said claimants to answer the value of the said ship (and goods) may be released and discharged, and that the said (*insert names of captors*) may be condemned in the damages and costs sustained by and occasioned to the said claimants by reason of such capture, and bringing in.]

(Signed) W. X.,

Counsel, (or Party).

Delivered this day of

Answer.

(Heading and Title as in No. 1).

Answer.

G. H., solicitor for the commander, officers, and crew of His Majesty's ship , the captors of the said ship , in answer to the petition of the claimants, says as follows:—

1. The said ship and her cargo were taken as prize and brought in for adjudication by the captors under the circumstances hereinafter described.

2. On the day of , His Majesty's ship was cruising off , when the said ship came into sight and was signalled and duly boarded by a boat from the , and the ship papers and documents and the cargo of the were duly inspected and examined.

3. Upon one of the bulkheads, and on one of the boats of the said ship , was found a name (the ), which was not the present name of the ship, and the name of the port of , which is in enemy territory, and upon enquiry of the master of the said ship, it appeared that the said ship immediately prior to the purchase by her present owners and to the existing war, had been owner by a firm carrying on business at the said port of , in enemy territory, and that the said master had been in command of the said ship whilst she belonged to the said firm.

4. On receiving such information, the captors brought in the said ship for adjudication upon the suspicion that the sale and transfer of the said ship to the present alleged owners was not *bona fide*, and that she still belonged to her former enemy owners.

5. The transfer and assignment of the said shares in the said ship by C. D. to the claimant E. F. in the petition alleged took place as therein alleged, but at the time of such transfer the said C. D. was a member of the said firm of carrying on business as aforesaid, and the transfer and assignment of the said shares was made and executed by the said C. D. as agent of the said firm, and was a mere colourable and fraudulent transfer to cover the enemy character of the said ship and the said ship at the time of capture remained the property, and was navigated for the account and at the risk of the said firm of , and was in fact enemy property.

(If the cargo or any part thereof was enemy property, allege it, stating the alleged ownership thereof; or if the cargo or any part thereof was contraband, allege it.)

6. Save as aforesaid the respondents deny all and every the allegations in the petition contained.

And the said G. H. prays the Judge to pronounce that the said ship (and her cargo) were at the time of capture property of enemies of the Crown of Great Britain, or otherwise liable to condemnation, and to condemn the same as lawful prize to the captors, or to pronounce for just cause of capture.

(Signed).

Y. Z.

Counsel (or Party).

Delivered this            day of            .

(ii) PLEADINGS IN PRIZE SALVAGE.

*Petition alleging Special Difficulty or Danger.*

(Heading and Title as in No. 1.)

Writ issued            , 19 .

*Petition.*

G. H., solicitor for A. B. commander, and the officers and crew of His Majesty's ship , the recaptors of the above-named ship, the plaintiffs (or as the case may be), says as follows:—

1. The recaptors are the commander, officers and crew of His Majesty's ship , which is a cruiser of the second class (or as the case may be) armed with , and carrying a crew of hands all told, and fitted with engines of horse-power effective.

2. On the            day of            . at about 11 a.m., His Majesty's said ship was proceeding from            to            in pursuance of her instructions to cruise off the coast of            and to assist and protect British vessels whilst passing such coast. At such time as aforesaid it was blowing a heavy gale from the            and the weather showed no signs of improvement.

3. Whilst proceeding as aforesaid, those on board the            sighted a steamship, appearing to be a British mail steamer, steaming to the            on about an opposite course to the            . Signals were at once made to the said steamship, which proved to be the            of            but no answer was made, and although a gun was fired, the            altered her course and proceeded in towards the coast of            , apparently making for the port of            in enemy's territory.

4. The recaptors having thereon reason to believe that the            was in possession of the enemy, immediately altered the course of the            and chased the            gradually, gaining upon her.

5. After            hours' chase the            and the            had come within 10 miles of the coast of            , and the            was about half-a-mile astern of the said            . At this time it was seen that an enemy war ship was coming out of the said port of            , and thereupon extra steam was raised on the            and she succeeded in getting between the said            and the entrance to the said port, and forced her to alter her course to seaward.

O. VII.  
O. XXX.  
Naval Prize  
Act, 1864,  
sect. 40.

6. The said enemy war ship, which proved to be the of guns, and to be carrying a crew of hand, came on, and with the assistance of some torpedo boats which were following her engaged the but after a fierce engagement, lasting about half-an-hour, the said enemy war ship was beaten off and returned to the port of with the torpedo boats, whereupon the said surrendered to the recaptors, and the prize crew in charge of her having been taken on board the and a prize crew from the having been put on board the the two vessels in company proceeded towards and the was brought in safety into where she now lies.

7. At the time of the said engagement, His Majesty's said ship was close to the island of and owing to the gale and the dangerous nature of the coast she ran great risk of being driven on the rocks in manœuvring during the said engagement, and the lives of the recaptors were thereby exposed to great risk and danger. In the said engagement the had men killed and men wounded, including officers.

8. By reason of the premises the and her cargo were saved from condemnation as prize to the enemy under circumstances of special difficulty and danger.

The said G. H. prays the Judge to award to the recaptors, one-fourth of the value of the said and her cargo, or such other sum as to the Judge shall seem just, and costs.

(Signed) W. X.,

Counsel (or Party).

Delivered this day of

Answer.

(Heading and Title as in No. 1.)

Answer.

Y. K., solicitor for C. D., the owner (and claimant) of the said ship, and E. F. owner of the cargo thereof, defendants (or as the case may be), in answer to the petition of the recaptors says as follows:—

1. The defendants (or as the case may be) admit that the said ship and her cargo were recaptured from the enemy by the recaptors, but deny that the recapture thereof was made under circumstances of special danger or difficulty entitling the recaptors to a larger part of the value of the said ship and cargo than one-eighth part.

2. The defendants (or as the case may be) do not admit that His Majesty's said ship was at the time of such recapture engaged in protecting British ships as alleged. At the said time His Majesty's said ship was engaged, in conjunction with other vessels, in watching the said port of and in endeavouring to intercept and capture the said enemy's ship of war the and for such purpose was endeavouring to entice her out of the said port and bring about an engagement with her, and the fact that the said m. i. steamer the made for such port in fact brought about the engagement so wished for and intended, and such engagement was no brought about and did not happen merely for the purpose of the recapture of the said ship, but took place in the ordinary course of duty and under the express instructions given to His Majesty's said ship.

The said Y. K. prays the Judge to pronounce that the recaptors are entitled to one-eighth of the value of the said ship and her cargo, and no more, and to condemn the recaptors in the cost of and occasion by their claim for a larger sum.

(Signed)

Y. Z.,  
Counsel (or Party).

Delivered this day of

## (iii) PLEADINGS IN JOINT CAPTURE OR RECAPTURE.

*Petition.*

(Heading and Title as in No. 1.)

Writ issued.

19

*Petition.*

J. K., solicitor for the plaintiffs (or as the case may be), says as follows:—

1. The plaintiffs (or as the case may be) are the commander, officers, and crew of His Majesty's ship
2. On the       day of       His Majesty's said ship sailed in company with and under the order of His Majesty's ship and under such order and in such company was cruising off the coast of       (or describe position at the time).
3. About (state hour) on the said day, a steamship was sighted bearing about       and signals were made by His Majesty's ship to chase, and His Majesty's said ships both steamed after the said steamship.

(Set out in separate paragraphs the circumstances founding a right of joint capture or joint recapture, commencing by adapting the above paragraphs to the facts of the case, and conclude:)

And the said J. K. prays that the Judge will pronounce that His Majesty's said ship is a joint captor (or recaptor) of the said ship (and her cargo), and as such entitled to share therein.

Delivered this       day of

(Signed)

W. X.,

Counsel (or Party).

*Answer.*

(Heading and Title as in No. 1.)

*Answer.*

G. H., solicitor for the defendants (or as the case may be), in answer to the petition of the plaintiff (or as the case may be), says as follows:—

1. The defendants (or as the case may be) are the commander, officers, and crew of His Majesty's (or the) ship
2. About 7 a.m. (set out in short paragraphs the facts upon which the defendants (or as the case may be) rely to show that they were the sole captors).
3. The defendants (or as the case may be) deny that the plaintiffs (or as the case may be) were in sight at the time of the said capture (or recapture) (or, assisted in making the said capture [or recapture], or as the case may be).

And the said G. H. prays that the Judge will pronounce that the prize was taken solely by the (defendant's ship) and that the (plaintiffs' ship) was not aiding, (or that the [plaintiffs' ship] was not present, or in sight of) or adding to the encouragement of the said capture (or recapture) or the terror of the enemy, and was not acting in concert with the (defendants' ship) in the said chase, or assisting in the said capture (or recapture).

Delivered this       day of

(Signed)

Y. Z.,

Counsel (or Party).

*Admission.*

(Heading and Title as in No. 1.)

*Admission.*

I. G. H., solicitor for the defendants (or as the case may be) in the above cause, admit that His Majesty's ship       and the commander, officers, and crew thereof (or such persons as may be entitled) are entitled to share as joint captors (or recaptors) in the ship       (and her cargo).

Dated this       day of

(Signed)

G. H.,

Solicitor.

O. VII.  
O. XVII.  
r. 10.

## (iv) PETITION IN OBJECTION TO REGISTRAR'S REPORT.

(Heading and Title as in No. 1.)

, solicitors for the , in objection to the Registrar's  
Report filed in this action on the , 19 , say as follows:—

- 1.
- 2.
- 3.

(Set out separately and concisely the objections to the Report and the grounds thereof).

Wherefore the pray this Honourable Court to vary the Report by (set out as shortly as possible the variation required) and to condemn the in the costs of this appeal or to make such other or further order as to the Court may seem fit.

(Signed by Counsel or Party.)

Filed and delivered this day of 19 , by (name and address of solicitors and agents, if any) 's solicitors.

## ANSWER TO PETITION IN OBJECTION TO THE REGISTRAR'S REPORT.

(Heading and Title as in No. 1.)

, solicitors for the , say as follows:—

- 1.
- 2.
- 3.

(State briefly the reason why each ground of objection in the petition is inadequate).

Wherefore the pray this Honourable Court to confirm the said Report and to condemn the in the costs of and incident to their objections to the said Report and that further and otherwise right and justice may be administered to the premises.

(Signed by Counsel or Party.)

Filed and delivered, &amp;c.

O. VIII.

No. 14.

## ORDER FOR PARTICULARS.

(Heading and Title as in No. 1.)

Upon hearing and upon reading the affidavit of  
filed the day of , 19 , and

It is ordered that the deliver to the  
(state name of parties affected) an account in writing of the particulars of  
(state matters of which particulars are required) alleged in  
(specify the pleading or other document in which the allegations are contained)  
in this cause, and that, unless such particulars be delivered within days  
from the date of this order, all further proceedings be stayed until the delivery  
thereof (or the said allegations be struck out, or upon such other terms as the  
Court shall think fit), and that the costs of this application be

Dated the day of , 19 .

O. VIII.

No. 15.

## PARTICULARS.

(Heading and Title as in No. 1.)

The following are the particulars of the allegations contained in the (pleading or other document) herein, delivered pursuant to the order of the Court dated the day of , 19 .



1.

2.

3.

Dated this            day of            19  
(Signed)  
or Solicitor for

To

No. 16.

O. IX. r. 2.

## AFFIDAVIT OF DISCOVERY.

(Heading and Title as in No. 1.)

I, A.B., the (plaintiff, claimant, or as the case may be), make oath and say as follows:—

1. I have in my possession or power the documents relating to the matters in question in this cause, set forth in the first and second parts of the first schedule hereto.

2. I object to produce the documents set forth in the second part of the said first schedule on the ground that [state grounds of objection and verify the facts as far as may be.]

3. I have had, but have not now, in my possession or power the documents relating to the matters in question in this cause set forth in the second schedule hereto.

4. The last-mentioned documents were last in my possession or power on [state what has become of the last-mentioned documents and in whose possession they now are.]

5. According to the best of my knowledge, information and belief I have not now, and never had, in my possession, custody, or power, or in the possession, custody, or power of my solicitor or agent, or of any other person or persons on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this cause, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents, set forth in the said first and second schedules hereto.

## SCHEDULE No. I.

## PART 1.

[Set out documents.]

## PART 2.

[Set out documents.]

## SCHEDULE No. II.

[Set out documents.]

Sworn, &amp;c.

(Signed)

A.B.

No. 17.

## NOTICE TO PRODUCE FOR INSPECTION OR TRANSCRIPTION.

OIX. 3.

(Heading and Title as in No. 1.)

Take notice that the (plaintiff, claimant, or as the case may be) requires you to produce for his inspection (or, for transcription by him), on or before the day of            , the following documents:—

[Here briefly describe the documents required to be produced.]

Dated this            day of

(Signed)

G.H.,

Solicitor for the plaintiff (or as the case may be.)

To C.D. (or J.K., solicitor for the)  
defendant (or as the case may  
be.)

Description of Documents.	Dates.	Time and mode of Service, Delivery, &c.
3.		<i>Sent by general post January 1, 19 .</i>
2.		<i>Served February 3th, 19 , on defendant's solicitor by F.G.,</i> <i>f</i>

(Heading and Title as in No. 1.)

Dated this                      day of

Solicitor for the plaintiff  
(or as the case may be.)

The facts, the admission of which is required, are :—

1. That
2. That
3. That

ADMISSION OF FACTS PURSUANT TO NOTICE.

(Heading and Title as in No. 1)

Provided that this admission is made for the purposes of this cause only and is not an admission to be used against the defendant (or as the case may be) on any other occasion, or by anyone other than the plaintiff (or whoever requires the admission).

Delivered this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) J.K.

Solicitor for the defendant  
(or as the case may be.)

To A.B. (or G.H., solicitor for the), plaintiff  
(or as the case may be).

Facts admitted.	Qualifications or Limitations, if any, subject to which they are admitted.
1. That, &c.	3. But not that, &c.
2. That, &c.	4. But not that, &c.
3.	
4.	
5.	

О.Х. г. 3.

(Heading and Title as in No. 1.)

George the Fifth, &c. (as in No. 2).

To the Marshal of the (here fill in the name of the Prize Court.)

We hereby command you to arrest the ship  
of the port of \_\_\_\_\_ and the freight due for the transportation

of the cargo now or lately laden therein *(or, if both ship and cargo to be arrested and the cargo now or lately laden therein together with the freight due for the transportation thereof), and to keep the same under safe arrest until you shall receive further orders from Us.*

Witness, &c. *(as in No. 2).*

Taken out by

O. X. r. 4.

No. 22.

**AFFIDAVIT TO LEAD WARRANT OF ARREST.**

*(Heading and Title as in No. 1.)*

I, \_\_\_\_\_, make oath and say as follows:—

1. I am the owner of \_\_\_\_\_ sixty-fourth shares *(or master, or as the case may be) of the ship* *(or cargo, etc.) (or I am the commander of His Majesty's ship whatever rank, title, or position is held by the deponent.)*, or

2. The said ship \_\_\_\_\_ has been taken as prize and brought into *(or seized and is now in)* the port of \_\_\_\_\_ within the jurisdiction of this Court, but has not been delivered up to the Marshal of this Court.

*(State circumstances, if any, showing probability of ship not remaining within the jurisdiction.)*

4. The aid and process *(or I am informed and believe that the aid and process)* of this Court are required to restrain the said ship from proceeding out of the jurisdiction of this Court *(or to enable me to enforce my said claim or to obtain restitution of the said ship, or as the case may be.)*

Sworn, &c.

(Signed)

O. XI. r. 2.

No. 23.

**COMMISSION OF APPRAISEMENT AND SALE.**

*(Heading and Title as in No. 1.)*

George the Fifth, &c. *(as in No. 2.)*

To the Marshal of the *(here fill in the name of the Prize Court,)* Greeting.

Whereas in a cause for \_\_\_\_\_ instituted in Our said Court on behalf of \_\_\_\_\_ *(if in personam, add against \_\_\_\_\_)*.

The Judge has ordered the said *(state whether ship, cargo or part of cargo, as the case may be)* to be appraised and sold. We therefore hereby authorize and command you to reduce into writing an inventory of the said *(ship, etc., as above)* and having chosen one or more experienced person or persons, to swear him or them to appraise the same according to the true value thereof, and upon a certificate of such value having been reduced into writing, to cause the said *(ship, etc., as above)* to be sold by public auction for the highest price, not under the appraised value thereof, that can be obtained for the same. And we further command you, immediately upon the sale being completed to pay the proceeds arising therefrom into Court, and to file the certificate of appraisement signed by you and the appraiser or appraisers, and an account of the sale signed by you, together with this Commission.

Witness, &c. *(as in No. 2.)*

Commission of appraisement and sale,

Taken out by

*(Where appraisement or sale only is ordered the words not required in the above form must be omitted.)*

*(Where the order is for removal, survey, safe custody, or otherwise, the above form must be adapted accordingly.)*

No. 24.

## CERTIFICATE OF APPRAISEMENT.

(Heading and Title as in No. 1.)

O. XI. r. 5.

I, \_\_\_\_\_, Marshal of the (here fill in the name of the Prize Court), do certify that, by virtue of a Commission of \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and issued in this cause, I have chosen \_\_\_\_\_ of \_\_\_\_\_ who are (or who I am informed and believe, are) two experienced persons and have sworn them to appraise the (ship, cargo, part of cargo, &c. as the case may be) according to the true value thereof. And we the said \_\_\_\_\_ and \_\_\_\_\_ whose names are hereunto subscribed, do certify that by virtue of our said oaths, we have faithfully and justly appraised the said (ship, &c. as above) at the sum of \_\_\_\_\_

In witness whereof we have hereunto respectively set our hands this day of \_\_\_\_\_, 19\_\_\_\_.

(Signatures of Marshal and Appraisers.)

(Where there are more or less than two appraisers the above form must be altered accordingly.)

No. 25.

O. XI. r. 1.

## BILLS OF SALE BY MARSHAL.

(i.) Of Foreign Ship.

Know all men by these presents that I, \_\_\_\_\_, Marshal of the (here fill in the name of the Prize Court), in obedience to and by virtue of a Commission to me directed under the seal of the said Court, bearing date the \_\_\_\_\_ and for and in consideration of the sum of \_\_\_\_\_ pounds of lawful money of Great Britain (or as the case may be) to me in hand at or before the ensealing and delivery of these presents well and truly paid, the same being the highest sum which was bid by \_\_\_\_\_ at a public auction held on the day of \_\_\_\_\_ one thousand \_\_\_\_\_, and the receipt of which sum I do hereby acknowledge, have granted, bargained, sold, assigned, and set over, unto the said \_\_\_\_\_ executors, administrators, and assigns, the entirety of the foreign ship called the \_\_\_\_\_, together with the appurtenances thereto belonging as specified in the inventory herewith, now lying \_\_\_\_\_; To have and hold the said foreign ship called the \_\_\_\_\_ and the said appurtenances unto the said \_\_\_\_\_

executors, administrators, and assigns, to \_\_\_\_\_, their own use and uses, and as \_\_\_\_\_ their own proper goods and chattels, from henceforth for ever. And I, the said \_\_\_\_\_, Marshal of the said Court, do hereby covenant, promise, and agree to and with the said \_\_\_\_\_ executors, administrators, and assigns in manner following; that is to say, that at the time of ensealing and delivery hereof, I have, in and by the Commission aforesaid, good right, full power, and lawful authority to grant, bargain, sell, assign, and set over the hereby-bargained premises unto the said \_\_\_\_\_ executors, administrators, and assigns in manner and form aforesaid. And that the said hereby-bargained premises, and every part thereof, now are and so from henceforth for ever shall be, remain and continue unto the said \_\_\_\_\_ executors, administrators, and assigns.

In witness whereof I have hereunto set my hand and seal this day of \_\_\_\_\_, in the year of our Lord one thousand.

\_\_\_\_\_  
Marshal.

Signed, sealed, and delivered by the said \_\_\_\_\_ of \_\_\_\_\_

in the presence

(ii) *Of British Ship.*

Know all men by these presents that I, Marshal of  
the (here fill in the name of the Prize Court), in obedience to and by virtue of a  
Commission to me directed under the seal of the said Court, bearing date the  
day of and for and in  
consideration of the sum of pounds  
of lawful money of Great Britain (or as the case may be), to me in hand at or  
before the ensealing and delivery of these presents well and truly paid, the same  
being the highest sum which was bid by at a public auction  
held on the day of one thousand  
, and the receipt of which sum I do hereby acknowledge, have granted,  
bargained, sold, assigned, and set over, and by these presents do fully, freely, and  
absolutely grant, bargain, sell, assign, and set over unto the said  
executors, administrators, and assigns sixty-four sixty-fourth parts or shares,  
being the entirety of the ship called the now  
lying , together with the appurtenances thereto  
belonging as specified in the inventory herewith, which said ship is more particu-  
larly mentioned and described as follows—

Official No.	Name of Ship.	Number, Date, and Port of Registry.

Number, Date and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.

Number of decks	Head ...	Length from fore part of stem, under the bowsprit to the aft side of the head of the stern-post.	Feet.	Tenths
Number of Masts	Framework and description of vessel	Length at quarter of depth from top of weather deck at side amidships to bottom of keel		
Rigged ...	Number of Bulkheads	Main breadth to outside of plank		
Stern ...	Number of water ballast tanks, and their capacity in tons.	Depth in hold from tonnage deck to ceiling at midships.		
Build ...		Depth in hold from upper deck to ceiling at midships in the case of three decks and upwards.		
Galleries		Depth from top of beam amidships to top of keel.		
		Depth from top of deck at side amidships to bottom of keel.		
		Round of beam		
		Length of engine room, if any.		



Total to quarter the depth from weather deck at side amidships to bottom  
of keel tons.  
Ditto per inch immersion at same depth tons.

No. of Engines.	Description	Whether British or Foreign made.	When made.	Name and Address of Makers.	No. of and Diameter of Cylinders.	Length of Stroke.	N.H.P., I.H.P., Speed, of Ship.
	Engines.		Engines.	Engines.			
	Boilers. Number Iron or steel Pres- sure when loaded.		Boilers.	Boilers.			

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under tonnage deck. Closed-in spaces above the tonnage deck, if any:— Space or spaces between deck ... Poop ... .. Forecastle... .. Round house ... Other closed-in spaces for machinery, light and air, if any		On account of space required for propelling power ... .. On account of spaces occupied by seamen or apprentices, and appropriated to their use, and certified under the statutory regulations. These spaces are the following, <i>viz.</i> :— On account of space used exclusively for accommodation of master for working of the helm, the capstan and the anchor gear or for keeping the charts, signals, and other instruments of navigation and boat swain's stores and for space occupied by donkey engine and boiler, and in case of sailing ships for space used for storage of sails.	
		Cubic metres.	
Gross tonnage ...			
Deductions as per contra ... ..			
Registered tonnage...			
		Total deductions ...	

To have and hold the said ship and the said appurtenances unto the said , executors, administrators, and assigns, to , their own use and uses, and as their own proper goods and chattels, from henceforth for ever. And I, the said Marshal of the said Court do hereby covenant, promise and agree, to and with the said executors, administrators, and assigns, in manner following; that is to say that at the time of ensailing and delivery hereof, I have, in and by the Commission aforesaid, good right, full power, and lawful authority to grant, bargain, sell, assign, and set over the said hereby-bargained premises unto the said executors, administrators, and assigns, in manner and form aforesaid. And that the said hereby-bargained premises, and every part thereof, now are and so from henceforth for ever shall be, remain and continue unto the said executors, administrators, and assigns. In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord one thousand

Marshal.

Signed, sealed, and delivered by the said , in the presence of

[Note.—In the above Forms of bills of sale the spaces left blank for the insertion of the names of the buyer or buyers should be filled in with such names in full, followed by the word "his," "her," or "their" (executors &c.) as the case may be.]

O. XI. r. 3.

No. 26

#### CONTRACT FOR SALE.

By virtue of a Commission of Sale from the (here fill in the name of the Prize Court), the ship called the now lying in

Particulars of which ship's registry are as follows, viz.—(Set out particulars exactly, as in Bill of Sale, No. 25 (ii), *supra*.)

*Is exposed to Sale on the Conditions following:—*

- I.—The buyer is to sign the agreement to purchase and to take the said ship, her tackle, apparel, furniture and stores including machinery and appurtenances, with all faults, in the condition in which they lie, without any allowance or abatement for weights, lengths, qualities, quantities, errors of description, or any defects or injuries whatsoever, and neither the age, tonnage, description of the ship, nor the description of the machinery, appurtenances, and stores, as expressed in the inventories or printed particulars, are warranted.
- II.—The buyer is immediately to pay to the marshal, or to his substitute, one part of the purchase-money and the remainder thereof within days in cash to the said Marshal, and upon such payment of the remainder of the purchase-money, he will be put into possession of the said ship, her tackle, apparel and furniture, including machinery and appurtenances as afore-mentioned. But in case of non-payment of the remainder of the purchase-money, within such time, the deposit aforesaid of one part shall be and is hereby declared to be forfeited, and the said ship, her tackle, apparel and furniture, including machinery and appurtenances, may again be exposed to, and sold at public or private sale, and the deficiency, if any, by such re-sale, shall be made good by the defaulter at this sale, together with the expenses attending such re-sale; and neither the Honourable the Judge, the Marshal, any other officer of the said Court, nor the auctioneers, shall be sued at

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